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BURROWS OF MICHIGAN
AND THE
REPUBLICAN PARTY
IN TWO VOLUMES
VOLUME II

BOOKS BY WILLIAM DANA ORCUTT

THE MOTH

THE SPELL

THE LEVER

THE BACHELORS

ROBERT CAVELIER

GOOD OLD DORCHESTER

THE PRINCESS KALLISTO

THE FLOWER OF DESTINY

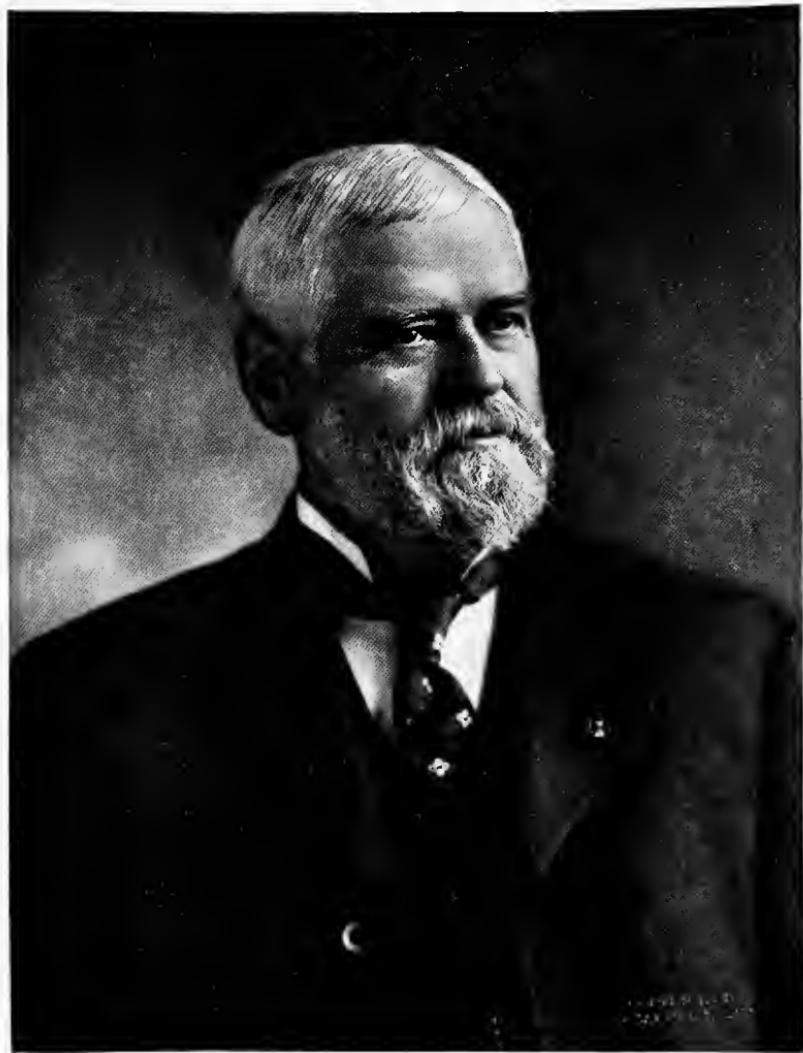
THE WRITER'S DESK BOOK

THE AUTHOR'S DESK BOOK

THE MADONNA OF SACRIFICE

BURROWS OF MICHIGAN AND THE

REPUBLICAN PARTY. *2 vols.*



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BURROWS OF MICHIGAN
AND THE
REPUBLICAN PARTY
A BIOGRAPHY AND A HISTORY

BY
WILLIAM DANA ORCUTT

VOLUME II



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BURROWS OF MICHIGAN
AND THE
REPUBLICAN PARTY

BURROWS OF MICHIGAN AND THE REPUBLICAN PARTY

CHAPTER I

LAST YEARS IN THE LOWER HOUSE. 1888-1895

IN considering the last years which Burrows spent in the House of Representatives, it is necessary to take into account more than simply the important measures which have been treated in previous chapters. The country itself was passing through a period of readjustment, and this spirit of unrest was nowhere more plainly shown than in the political Parties themselves.

President Cleveland's personality and his attitude toward his self-appointed advisers had resulted in stirring up much discontent within the Democratic Party, which made it practically certain that the Republicans could count upon success in the following Presidential election. His opposition to silver, his inability to play politics, and in general the insistent expression of his belief that the President of the United States was the head of his Party,—caused irritation among

his own supporters which they less and less made efforts to conceal.

Whatever may have been Burrows' partisan antagonism to President Cleveland's various policies and measures, no single act of the President ever caused him such personal displeasure as the wholesale vetoing of the pension Bills. Burrows' affection for the soldier was fundamental, and, unlike many who have supported pension claims and other measures in the interest of the soldier for political purposes, Burrows was genuinely sincere in his belief that nothing the country could do for those who had defended its honor and perpetuated its unity could be too great. Any act against the interests of the soldier he considered an evidence of the basest ingratitude on the part of the Nation, and he fought against it with his whole strength. "Have you forgotten," he exclaimed reproachfully in one of his speeches, "that when these brave boys came marching up Pennsylvania Avenue with their blouses covered with the dust of battle, their breasts scarred with Rebel bullets, you hung from the dome of the Capitol a streamer upon which you had inscribed: 'This Nation owes you a debt of gratitude it can never pay'?"

Others might look askance at the magnitude of the pension roll, but to Burrows it represented simply a partial payment upon an obligation which could never

be fully discharged. When some one challenged him, in a campaign meeting, by calling attention to the number of pension Bills Cleveland had signed, Burrows replied: "We are not talking about the number of Bills he *has* signed, but about the number he has not. You never heard a soldier complain about a Bill that was signed. You have lost sight of the issue. You make me think of the occasion in the United States Senate when our Southern Senators were insisting on their right to carry their slaves into the Territories, and after arguing the constitutional right for a long time, one member struck a pathetic vein, and said, 'Not only have we the right, but it is cruel to keep us out of the Territories with our slaves. We love our slaves—we have associated with them from childhood. There is that dear old black Granny who cradled me in my childhood and nursed me in my infancy. I love her as I love my mother, and it is cruel to force me into the Territories and leave that old grandmother behind. It will break my heart.' Then old Ben Wade got up and said, 'The gentleman from South Carolina misunderstands our position. We do not object to his taking his dear old grandmother with him into the Territories, but what we do object to is his selling his dear old grandmother when once he gets there.' "

Burrows threw himself heartily into the campaign

of 1888, supporting Harrison and Morton against Cleveland and Thurman. For the first time in history the Republican Party decided to invade the Solid South, and Burrows was one of the speakers sent into Louisiana and Virginia. This political expedition attracted wide attention North and South, and various motives were attributed. The *New York Sun*, in the satirical style which made it famous in that period, gave it the following editorial reference:

“The Honorable Julius Cæsar Burrows, whom the Wolverines affectionately call the Calliope of Kalamazoo, is going to give an exhibition of his powers as a long-distance orator in the Pelican State. The mighty Julius is equaled by few and excelled by none as a hustler, and when it is his night for howling the wolves slink with drooping tails and eyes of shame into the thickest of the forest; even the cynical loon holds his whist, and the misunderstood and melancholy jackass forbears to practice his vocal witcheries upon the nightingale. It is true that the nightingale is a rare bird in these United States, but not distinctly less precious than the Calliope of Kalamazoo.”

His campaigning also took Burrows into Illinois, where he was called upon to stump “Joe” Cannon’s district, and the story is told that he made so good a speech that some of Cannon’s constituents considered their favorite son overshadowed. So much praise of

Burrows was heard on every side that finally one of Cannon's friends urged him to do something to offset the impression Burrows had made, warning him that otherwise the latter would become a formidable rival for the Speakership.

“Oh!” replied Cannon with apparent magnanimity, and with that droll expression on his face which has made him famous, “that would not be fair to Burrows. I got him out here to help me, and before we left Washington I wrote out for him just what I would like to have him say, so that he would not make any mistakes. Let him get all the credit he can out of it!”

Harrison was elected, and was inaugurated in March, 1889, with a Republican majority in the Senate of fourteen and in the House of twenty-one. The new President made strenuous efforts to carry out the preëlection pledges made by the Party in the matter of Civil Service Reform, but, like Cleveland, his efforts were frustrated by the demands of hungry office-seekers, which resulted in charges of inconsistency. Harrison appointed Theodore Roosevelt chairman of the Civil Service Commission, and even into this early political appointment Roosevelt introduced his characteristic strenuousness of action. In speaking of political assessments, for instance, Roosevelt declared that a considerable proportion contributed

by office-holders was hypothecated for private use "by the jackals who have collected it." And he characterized an article by Clarkson, attacking the Civil Service Commission, as a "loose diatribe equally compounded of rambling declamation and misstatement." This same Clarkson, as First Assistant Postmaster-general, made thirty thousand changes in officials in a single year, and the Civil Service Reformers were thoroughly aroused.

However strong may have been Burrows' personal feeling in the matter, he was naturally called upon to defend his chief. When some one asked him how the Harrison Administration was received in the West, he replied: "Opinions, as far as I have observed, differ very much according to the standpoint. The gentlemen who have been appointed to offices think there has not been such an Administration since the days of Washington. Those whose applications for offices are still pending, and who hope there may be favorable consideration, speak of the President with great respect. Those whose applications have been considered and rejected look upon the Administration as one of the most gigantic failures of modern times."

In the Fifty-first Congress extravagance ran riot. The Dependent Parent Disabilities Pension Act, recommended by Harrison, almost doubled the number of pensioners, and raised the annual expense for

pensions to \$160,000,000. Burrows was in hearty sympathy with this Act, and defended it with much fervor. "It was hard for the son to leave home and to say good-bye to wife and children, never expecting to see them again," he exclaimed; "it was hard to fight for his country; it was hard to march through the dusty streets beneath the pitiless sun; it was hard to stand on the field of battle and to fight day after day in the trenches; it was hard to stand in that double hell of Andersonville and yet never betray the flag. It was hard; but there is not a comrade of mine who would not rather endure it all than to be for one moment a public charity. Take money enough out of the overflowing treasury of the United States and go to every poorhouse and plant down every dollar, and take these comrades by the hand and support them in their own homes."

There were lavish appropriations for a new Navy, concerning which Burrows said: "We ought to have a Navy, for we haven't any now. We never dare to be out after dark alone as a Nation, and we never lose sight of land unless it is in a foreign ship."

Speaker Reed, who earned the title of Czar in this session because of his arbitrary ruling that every Representative present should be counted in making for quorum, whether answering to the roll-call or not, defended this "Billion Dollar Congress" by retorting,

“This is a billion dollar country”; but the people were not satisfied with this explanation, and later legislation during the Harrison Administration became noticeably economical. Had it not been for the adoption of the “Reed rule,” which cut short debate and prevented filibustering, it would have been quite impossible to have put through two such important measures as the McKinley Tariff Bill and the Sherman Currency Bill during the same session.

Two years later, when the Republican members of the House met to nominate candidates for the Speakership of the Fifty-second Congress, it was Burrows who presented the name of Reed. “Although the Republican majority in the House of Representatives was reversed by the election of 1890,” he said, “it is gratifying to know that the Republican Party of the country shows no sign of retreat from the advanced position which it took and maintained during the last Congress, and I venture to predict that the time is near at hand when the work of the Fifty-first Congress will meet the indorsement and approval of the American people. That Congress revised the tariff in the interest of protection to American industries and labor; it increased the currency by the full volume of our silver without the coinage of the depreciated dollar; it gave full value measure to the survivors of the war for the Union of the country. It prosecuted the work of

rehabilitating the navy and strengthened the coast defenses. It entered upon the work of building up the merchant marine. It passed a measure which, had it been enacted into law, would have given to every voter in the Republic the opportunity of casting his ballot, and having that ballot honestly counted.

“I hazard nothing in saying that the legislation of the Fifty-first Congress has been excelled by no Congress since the close of the war. There was no instrument more potent in accomplishing these great results than the Speaker of the House. Brushing away senseless precedents of a hundred years by which a sectional majority resisted and sometimes controlled the legislation of Congress, with matchless ability and courage he paved the way for the Republican Party to achieve the greatest triumphs in its history. In recognition of his great personal services and of his fidelity to the Republican Party, I place in nomination the name of Thomas B. Reed for the Speakership of the Fifty-second Congress.”

On Memorial Day, 1889, Burrows was the orator at Knoxville, Tennessee, and his address on that occasion is counted among his most eloquent expressions upon the platform. “The war is over,” he said, in closing. “The armies have disbanded, the Union is preserved, and peace restored. The dead have done their duty well. It is for the living now to perform

theirs. War is frequently the pioneer of human progress—the advance guard of civilization. It clears the way for the foundations of a new National life. It is for us to build it. These dead gave us from necessity a union of force. We must make it a union of friendship. They left inevitably a spirit of hatred among the living. We must make it a spirit of fraternal regard. They freed a race of slaves. The National Government must by a liberal system of education make them fit for citizenship. In a word, 'with malice toward none and charity for all,' we must faithfully gather the fruitage from the field of war, and turning our backs upon the past press forward to the consummation of our glorious destiny—under one flag and one Constitution.

"These are the solemn obligations imposed upon us. This Union and these liberties have come down to us consecrated and re-baptized with the noblest blood of American citizens. Are we not, then, under the most binding obligation to preserve and defend them at whatever sacrifice of blood and treasure? Let us today, while kneeling above the ashes of these dead, swear a new allegiance to the union of these States and the flag of the Republic. Above all, let us swear a new allegiance to the National Government. I cannot understand that spirit which would subordinate National allegiance to State allegiance.

I am proud to be a citizen of Michigan, but prouder to be a citizen of the American Republic. I love the flag of my State, but the flag of my country must float forever above it. I acknowledge allegiance to my State, but if Michigan should ever lay unholy hand on the sacred band of union, I would strike her as I would a foreign foe. I would strike as the loyal people of East Tennessee struck the enemies of the Republic, and remained as firm in their loyalty to the Nation as their eternal mountains. Let us then hold in undying remembrance their services and their sacrifices. Let us with a jealous care preserve for ourselves, and leave to our children, every reminder of their virtues and their valor. Palsied be the arm and withered the hand that would attempt with unholy touch to tear the record of their prowess from the battle-consecrated banners of the Republic. Rather let the memory of their illustrious deeds be forever perpetuated in marble and emblazoned on enduring granite, on banner and in history; not in malice, not in exultant pride, and not in the spirit of arrogant superiority, but in holy veneration. I know of no power which can efface from the memory of men the recollections of their achievements. The flowers with which you decorate their graves may wither and decay. The fingers which have wrought these garlands will forget their cunning. The three hundred thousand mounds

may sink under the heavy march of the ages to the level of the earth. The names of the dead may fade from the memory of living men, and be recognized only in the dim light of history; the monumental granite signaling their tombs may topple from its solid base and crumble into ruin; the Republic itself, poisoned by corruption, or shattered by internal commotion, may be blotted from the map of empire,—but their great deeds will live on, in story and in song, to thrill the hearts and nerve the arms of the millions yet to be. Cherish, then, their memories, and emulate their virtues; and let us ardently hope, with our martyred President, that in all time to come, ‘the mystic cords of memory, stretching from every battlefield and patriot grave to every living heart and hearth-stone all over this broad land, shall forever swell the chorus of the Union, as they are touched by the better angels of our nature.’ ”

The elections of 1890 resulted in an overwhelming defeat of the Republican Party, and should have been recognized as the “writing on the wall” to warn the Republicans of impending disaster in the Presidential election which was now looming into sight. Burrows himself found his time fully occupied in spreading the doctrine of Reciprocity, which subject is fully covered in an earlier chapter.¹

¹ Volume I, page 279.

It was in 1891 that Burrows was asked to be the orator of the day at the closing exercises of the graduating class at West Point. One paragraph from this speech is of particular interest in view of the recent agitation for preparedness: "A nation ever prepared for war," he said, "holds the bond of every other nation to keep the peace. A government without force is as impossible as a government without law. There is no nation on the face of the globe, democratic or despotic, that has not at ready command armies and navies to enforce its sovereign decrees. The presence of such a power is the heart-beat of a nation's life. Disband the armies, dismantle the navies of the nations of the world, and governments would perish and civilization decay."

Toward the close of his speech Burrows said, "Soldiers should not be heedless to the sentiment of their songs and to the music of their bands. . . . I would like to see every true American, soldier or citizen, when he hears the grand notes of our National air, rise to his feet in patriotic recognition and uncover."

Almost instantly the band began to play the "Star Spangled Banner," and Colonel Wilson, the Superintendent, and the entire battalion of cadets responded to Burrows' patriotic suggestion by springing to their feet with a common impulse, which action was fol-

lowed by every person in the audience, and all stood with bowed heads until the last note had ceased. It was an impressive sight, and attracted much public attention. Later, as a result of Senator Burrows' agitation, the Army Regulations were made to prescribe this action,¹ but it required no legislation to have the custom become universally popular. To Burrows, then, belongs the credit of first suggesting what has now become an unwritten law of the Nation.

Burrows spent the Fall of 1891 campaigning. He went into Ohio, and after his work there Chairman W. M. Hahn, of the Republican State Committee, wrote him (November 1, 1891): "We begin to think you are a part of Ohio, and if Michigan ever gets tired of sending you to Congress, and I have my doubts if they will, you can move into any district in this State and I think we can guarantee your nomination at least." McKinley, who was then candidate for Governor, wrote him (July 13, 1891): "Please arrange for a long stay with me; I need you badly." He was called to Utah and into Iowa. D. B. Henderson wrote him from Dubuque (September 2, 1891): "Am

¹ "When the 'Star Spangled Banner' is played by the band on a formal occasion at a military station, or at any place where persons belonging to the military service are present in their official capacity, all officers and enlisted men present will stand to attention. The same respect will be observed toward the national air of any other country when it is played as a compliment to official representatives of such country. Paragraph 383, *Regulations, U. S. Army, Ed. 1904*.

glad you will give us a week. Will so write State Committee. Don't fail. Issues: (1) The Tariff; (2) Money question; (3) Billion Dollar Congress; (4) Democrats in platform denounced Election Bill. You don't need to touch the liquor question or Ohio. Burrows' speech just the thing here. We don't raise many sheep." Lodge summoned him to Massachusetts, writing from Nahant (August 22, 1891): "I beg that you will accept the invitation of the State Committee. We need your help." New York also demanded his services; and Senator Stockbridge joined him in stumping the home State. It was a strenuous campaign period, as the Republicans realized that Cleveland had been making friends of the people even though antagonizing his Party leaders; and, after all, it was the people who would cast the votes.

When in February, 1892, Mr. Springer's Committee on Ways and Means adopted a Tariff Bill for free wool, and required of the minority members that their report must be ready in less than a week's time, it was to Burrows that the Republicans turned to prepare their report. Ex-Speaker Reed said, "I cannot take part in the work on account of other affairs. Burrows is fully competent and must do it all." Burrows replied, "I shall go to my room and stay there until this work is done."

In June, 1892, Harrison and Reid were nominated by the Republicans, and Cleveland was named on the first ballot by the Democrats, with Stevenson as his running mate. The Democrats at last made a definite and intelligent declaration on the Tariff question, insisting "that the Federal Government has no constitutional power to impose and collect tariff duties except for the purposes of revenue only." Cleveland, however, in his letter of acceptance stated clearly that "no exterminating war would be urged against any American interest." The Republicans still stood for Protection, but both Parties agreed on the questions of Civil Service Reform, the restriction of immigration, and Reciprocity.

The campaign was not sensational in any way. Each candidate had served as President of the United States, and to that extent was a tried man. Cleveland's personal popularity was greater than Harrison's, and the success of the Democratic ticket may be largely attributed to his personality. The Democrats made much campaign capital out of an introductory speech which Chauncey M. Depew delivered in presenting Cleveland as a speaker at a private dinner, and Burrows was called upon to ascertain the authenticity of the report. This is Depew's answer to the inquiry (July 12, 1892):

"I have explained the matter referred to in your correspondent's letter and the slip enclosed so often to newspapers and individuals without accomplishing much that I have come to the conclusion that lie-chasing is a hopeless task. At a private dinner, where there were no reporters and the usual American habit of everybody saying something pleasant about everybody else prevailed, I made a speech referring in complimentary terms to half a dozen of the prominent guests, and differentiating their qualities. It was, as usual on such occasions, free, easy, and very audacious. Four or five days afterwards there appeared in a newspaper of another city what purported to be a report of my remarks at the dinner, in which what I said and what I did not say were adroitly intermingled, most of the speech being what I did not say. This has been running as a Democratic campaign document ever since. What your correspondent quotes is what I did not say."

The death of Blaine occurred in January, 1893, and Burrows was much affected by the loss of this close personal friend, by whom he had stood loyally throughout the latter's political vicissitudes. In referring to him, Burrows cites an interesting episode, "It is probable," he said, "that his great faculty as leader was never so conspicuously displayed as when

presiding over the House of Representatives. He was a matchless leader of men, and his control of this body in times of great political excitement was as marvelous as it was superb. I recall a scene in the Forty-third Congress which displayed his great powers as a parliamentarian and his mastery over men. The day session had been a stormy one, full of acrimony, and was prolonged far into the night. Mr. Blaine was absent in the early part of the evening. As the hours wore on, the House became more and more turbulent, until the temporary presiding officer lost all control over the body, and it became a wild, uncontrollable mob, apparently hopelessly involved in parliamentary entanglements. All business was suspended. A messenger was despatched for Mr. Blaine with the announcement that the House had gone to pieces. Soon after, he entered the Chamber in full evening dress, and springing with a bound into the Speaker's desk, seized the gavel, and by his masterful presence quelled the storm. Then, holding a hurried consultation with the Clerk to learn the status of affairs, he quickly unraveled every parliamentary complication, and brought order out of chaos. It was the most thrilling scene I ever witnessed."

An interesting episode of the Fifty-second Congress was the discovery made by Burrows that by concerted action on the part of the Democratic members

the various chapters of Henry George's book, "Protection or Free Trade?" were introduced and printed in the Congressional Record without credit, and thus disseminated as Free Trade literature at the expense of the Government. In spite of Burrows' protests, the act received apparent justification, as a strict Party vote gave to it the approval of the House.

The disastrous panic which Cleveland was forced to confront at the beginning of his second Administration, and which has already been considered, was a striking example of the dangers which existed in our monetary system. The American people are slow in learning the real lessons of National life, so that aside from the disasters to the few and the sacrifices of the many the masses proceed with little regard to the real dangers under which they live; in fact the Columbian Exposition at Chicago, which was held just at this time, was affected neither in resources nor attendance,—showing an extraordinary lack of understanding of the real conditions with which the people were confronted.

We have seen how the four bond sales increased our National debt \$262,000,000, and that temporary relief came only when in 1895 private bankers came to the rescue of the President,—and real relief only with the restoration of the Republican Party to power in 1896. It is only fair to say, however, that even

the Republicans themselves were not altogether certain as to the real causes which underlay the uncomfortable existing conditions, but naturally enough the Republicans, while studying the situation out for their own guidance, threw the responsibility for the panic and the subsequent business depression flatly upon the uncertainty in the matter of Protection which must exist while the Democrats remained in power. While the Republican orators¹ were explaining the situation with much confidence to the people, Thomas B. Reed, for instance, was writing Burrows (July 1, 1893) as follows:

From Thomas B. Reed

MY DEAR BURROWS:

Will you be kind enough to write me confidentially your idea of the situation as it seems to a man in the West. Whatever you write me will only be for my guidance. The disaster seems to fall very heavy on Colorado and our mining States, and I have no doubt but that there are other sufferers as well, as that of the merchants and bankers in the East, which deserve consideration and will make themselves manifest. The feeling in the East is that of Cleveland,—for the repeal of the Sherman Act pure and simple,—the impression being that that is the cause of all the

¹ See Burrows' speech August 25, 1893, Volume I, page 337.

trouble. Many very good men are not entirely persuaded of the fact, and think that the impending Tariff and other business uncertainties, with the tremendous balance of trade against us, are at the bottom of the trouble. Of course our business as a Party will be free from all responsibility, and each one can act as each one thinks best for the country. Perhaps we can get at something by comparison of views.

Won't August be lovely in Washington, also won't Washington be lovely in August! . . .

Looking backwards, with the advantage of considering the conditions after they have passed through the acid test of time, we may say that the panic and the consequent depression in business was directly due to the uncertainties which existed in the matter of Tariff legislation, thus substantiating the position taken both by Burrows and Reed. Burrows expressed the Republican attitude on this subject perfectly in his speech against the Wilson Bill.¹ At the same time, the Republicans must assume their full share of the responsibility for unwise Currency legislation, which was indirectly responsible for conditions during Cleveland's second Administration.

During the Fifty-third Congress (September 14,

¹ See Volume I, page 308.

1893), Burrows opened the fight to prevent the repeal of the Federal Election Laws, which was the last reconstruction measure to remain in force. Much to the surprise of every one Burrows appeared in this action as a filibusterer. Hardly had the Chaplain's voice died away when he was seen standing in the center aisle, asking unanimous consent that the call for Committees for Reports be dispensed with. This apparently innocent request was intended to force a show of hands. He declared in justification of his course that a measure so sweeping as the Tucker Bill, which drove the National Government out of the States and left no one on guard at the polls to prevent fraud and corruption in Congressional and Presidential elections, should have no status in the House until the Democrats could produce their own quorum.

The efforts of the Republicans from the beginning were, of course, doomed to defeat, as to do away with Federal protection of the polls assured to the Democratic Party a Solid South, which was absolutely essential to any political success of their Party. It was the old fight started during the Hayes Administration, now carried by the Democrats to a successful issue.

The Fifty-third Congress gave the Southern members an unusual opportunity to push their favorite measures, and the Southern war claims which were

presented during that Congress brought forth violent opposition from Burrows. The attitude of the majority in attempting to curtail benefits for the Northern soldiers in the matter of pension claims, while at the same time they were eager to recognize every claim offered by a Southerner for loss during the Civil War, aroused his deepest indignation. As a result of his investigation he was able to point out that these claims reached the enormous aggregate of \$607,000,000. No one contributed more than he in bringing to light facts which proved that less than ten per cent. of the claims possessed even sufficient justice to warrant their consideration.

Burrows again took the stump in 1894, campaigning in Colorado, Kansas, Michigan, Indiana, Illinois, Iowa, Wisconsin, Pennsylvania, Missouri, Delaware, North Dakota, Nebraska, New York, and Ohio. The condition of the country was such as to give the Republicans ample opportunity to score points against the Democratic Administration, and Burrows was not slow to take advantage of every fact. He pointed out that Wilson, the author of the Wilson Tariff Bill, whom he dubbed as the "theorist of Free Trade," had been banqueted by the Chamber of Commerce of London as an acknowledgment of what he had done in the American Congress for British interests. He showed that the Democratic Congress had appropri-

ated \$40,000,000 more than the so-called "Billion Dollar" Republican Congress, which had been so severely rebuked by the people. He scored the Democrats for cutting off the pensions of fifteen thousand Union veterans, and held up the Hawaiian fiasco as an evidence of incompetence.

When it came to the plank of State Bank Tax Repeal, Burrows upbraided the Democratic Party for maintaining it, reviewing the history of wild-cat currency of his youth. In those days, Burrows explained, it was customary for the farmers to keep "Thompson's Detector" and the Bible side by side upon their parlor table. One evening, one of the farmers came home after selling his produce with a roll of bills in his pocket. Following his custom, he looked up in the "Detector" the bank which had issued the bills, and found it marked with a star, signifying that it was in a precarious financial condition. Worried by his discovery, he turned to the Bible for consolation, and opening it at random his eye rested upon the passage, "Owe not any man." Acting promptly upon this divine injunction, he again hitched up his team and drove around to his various neighbors, paying them in the currency of the wild-cat money. "And now," Burrows exclaimed, "the Democratic Party is obliged to return to this kind of

thing, and Bills for the repeal of the State Bank Tax are already pending in Congress."

Burrows went to Indiana at the invitation of Benjamin Harrison: "I have promised our State Central Committee," Harrison wrote (September 22, 1894), "to make two speeches in this State, and I find that the Chairman has very cunningly arranged to have a sort of hippodrome, and require me to speak from the rear platform at every important station going and coming. I do not intend to make long speeches, and I would like very much to have an able and agreeable friend along to help me out. Our people are always fond of hearing you, and you know I would enjoy having you with me. . . . Are your engagements such that you could join me?"

For several years Burrows' name had been mentioned in various quarters as the logical successor of Senator Stockbridge, and the death of the senior Senator in December, 1892, brought matters to a head. There were two reasons why Burrows considered the efforts of his friends at this time to be unwise. First, he knew that Governor Rich would prefer to appoint almost any one else; second, the appointment from the Governor would run only a few months until the Legislature could convene and elect Senator Stockbridge's successor for the unexpired portion of his

term. Burrows preferred, therefore, to let the matter rest until legislative action could be taken, at which time he was willing to have his name offered for nomination to the Senate. Burrows' judgment was fully substantiated, inasmuch as Governor Rich, instead of appointing ex-Governor Luce, to whom he was under great political obligation, selected John Patton, Jr., the Chairman of the Republican State Committee. The real struggle, therefore, came when the question of Senator Stockbridge's successor was before the Legislature, the candidates being Congressman Burrows, Senator Patton, and S. S. Olds, who had been secretary to Senator Stockbridge.

The campaign was one which became famous in the political history of Michigan. Each candidate had strong friends who were untiring in their efforts to secure his election, but the record which Burrows had made in the Lower House, and his reputation as a citizen of the State, combined to give him an easy victory when the Legislature took final action.

The cartoon which is shown here exhibits an amusing side to the campaign. Burrows' given name was never overlooked by the press.

It must always be an open question as to whether or not Burrows made a political mistake in yielding to the importunities of his friends and to the glamour of the higher title in permitting himself to be trans-

A QUACK'S DIAGNOSIS.



"WE CAME TO BURY CAESAR, NOT TO **RAISE** HIM."
CARTOON FROM THE DETROIT "JOURNAL"

1895

ferred from the Lower House to the Senate. Shortly after his election, William N. Browne, one of his stanch supporters, was asked what he thought would be the effect on Mr. Burrows personally in being transferred from the Lower House, where he would have been Chairman of the Ways and Means Committee, to the Senate. Mr. Browne's reply is a sane presentation of the situation:

"This will depend entirely on Mr. Burrows himself," he replied. "His friends can do no more. I do not share the fears of many people that the Senate will become the vault that is to lock up Mr. Burrows' fame, nor the tomb of his public service, nor the graveyard of his political career; but on the contrary I believe the Senate is to become the theatre of his greatest triumphs and successes. It is true no man of this generation has entered the United States Senate under the circumstances that Mr. Burrows does, excepting perhaps Garfield and Blaine. But of course Garfield did not serve in the Senate, and Blaine was there so short a time that it is impossible to form any opinion as to what would have been the effect on their standing before the people had they remained in the Senate. Coming direct from the people, after so long and distinguished a service in the House, I am perfectly well aware that it is almost out of the question for any man to meet the expectations of the people,

so far as Mr. Burrows is concerned, in the short time he has to make his record. His record in the House secured his elevation to the Senate, but his great services in the House cannot maintain him in the Senate. He must make a new record for himself, which I am confident he will do to the entire satisfaction of his friends and the people of the State. It is true the time is very short to do what will be expected, but it will be done. No man, except these I have mentioned, has ever entered the Senate under similar circumstances. Living in a city that could give him no considerable prestige by way of legislative votes; representing a purely agricultural district for eighteen years; still representing this district by the largest majority ever given any Representative in Michigan, he is taken up by the people of the State and elevated to the Senate. This is indeed an extraordinary condition of affairs in the career of any man, and will require the most extraordinary efforts to meet the demands that such conditions create. If he works as hard in the Senate as he has worked in the House; if he applies himself with the same industry to the work in the Senate that he has in the discharge of his duties in the House (which I know he will), then those who expect that the short term in the Senate is to become the political tomb of Mr. Burrows will be as much disappointed as some of the fellows were over in

Lansing the other day on his strength with the people, when the first ballot was counted. Hard work, industry, his well-known loyalty to his friends, with his great opportunity of another Presidential campaign before the expiration of his term in the Senate, I believe will make Mr. Burrows as strong in his position in the Senate as he ever was in the House. If, on the contrary, Mr. Burrows should rely on the past to sustain his great reputation in the future, his elevation to the Senate will prove a misfortune to the people whom he so ably represented in Congress, and a calamity to Mr. Burrows himself."

"He was directly in line for Chairman of the Committee on Ways and Means," wrote the Washington correspondent of the Detroit *Free Press*, "a member of the Committee, and the Republican leader of the House. Speaker Reed could not have displaced him had he been so inclined, for Mr. Burrows' prestige among the Republicans of the House was very great, and he was conceded to rank next to Reed in leadership, while many did not hesitate to confess a preference for Burrows to Reed as Speaker, believing him to be better fitted by temperament for that place. Burrows' change from the House to the Senate is much lamented by prominent Republican Congressmen. They consider him peculiarly fitted to lead in a House where there is so large a majority."

"He would have been a great pacifier," said one of the New York Congressmen, "in the place of Republican leader, and would have prevented Republican dissensions. As a matter of fact, the nearer we get to the assembling of Congress, the more we miss Burrows."

CHAPTER II

INDIVIDUALITY AND PERSONALITY. 1895

SOME one once compared individuality to the pipes of an organ, and personality to the music which the pipes produce. Wordsworth says that the real portrait of a man shows him not as he looks at any one moment of his life, but as he really looks all the time. These two definitions are taken as texts for this chapter. Standing as Burrows does at the dividing line between his public services in the Lower House and in the Senate, it is fitting that the reader should see him physically as those about him saw him, and should be given the opportunity to analyze his character through his personal attributes and actions.

The biographer is always under the suspicion of writing a eulogy rather than a life-history of his subject, but in this instance, in portraying the physical and mental attributes of Mr. Burrows, he proposes to depend upon those associates, critics, newspaper writers, and friends who saw Burrows in action and in repose during the thirty-two years he served in Congress. From these specific comments the reader can draw for himself a composite portrait of the man far

more true than could be given by a camera (for a camera has no understanding), far more convincing than could be delineated by a biographer.

“Personally, Burrows has a superior presence, the qualities of dignity and cordial gentility being admirably disposed in his manner.” . . . “He is of something more than medium height, stoutly built with large chest and good-sized head, and a face that expresses as much of kindly feeling and generous nature as you will see in a year’s travel.” . . . “Mr. Burrows wears a full brown beard. His hair is so thick that he could spare a plentiful supply for the head of Mr. Reed, who sadly needs it.”

“Burrows is a man of strong personality and commanding presence. He is always affable and cordial to all who come in contact with him. He never says harsh things of his political enemies, but, on the contrary, strives to gain the good will of all regardless of Party. It is safe to say that he has almost as many friends in the opposition Party as in his own.” . . . “There is no man as widely acquainted with men and measures most prominent in Washington and the country at large, and few men, if any, who have acquired and maintained a more even, rational friendship with Army and Navy officials, heads of Departments, chiefs of bureaux, and representatives of the press throughout the many changes in the past twenty-five years.”

“In conversation he is full of wit and humor and fun on proper occasions, but always with the good sense and judgment to keep himself *en rapport* with the company.” . . . “Mr. Burrows is a statesman of the broadest views, the most scholarly attainments, the coolest head and the most brilliant intellect, naturally gifted in a high degree, with all the qualities that make a leader of men, and an orator of marked and increasing ability. He has cultivated his rare powers until as a scholar he is the peer of any member. He has unrivaled tact, cool, keen perception, and exhaustive acquaintance with parliamentary law.”

“His tongue is almost as ready as Reed’s, his ability as great as McKinley’s. He likes debate, but is not so much given to promiscuous talking as his rival from Maine. He is one of the leaders on the Republican side. In debate he is courteous and agreeable. His strong point is familiarity with the rules. He is a great parliamentarian. His eyes are as blue and mellow as a school-girl’s. His manners are hearty with his intimates, dignified but courteous with strangers. Men whom he knows familiarly he slaps on the back or lays his arm on their shoulders. He is companionable and sincere; in his attire he is neat and modest. In his Prince Albert coat he wears a tri-colored button of the Loyal Legion.”

“As a reader of poetry perhaps the Congressional

palm must be awarded to Julius Cæsar Burrows of Michigan. He has a rich and powerful voice, a fine presence, and the grace and polish of an orator. The diction and delivery of his stanzas are always surpassingly beautiful."

"An intellectual light-house on the Republican territory is the Honorable Julius Cæsar Burrows, of Michigan. Like the light at Fire Island, his flashes regularly, showing a roseate pathway over either calm or troubled waters. Burrows is a mighty statesman. Like Frank Hiscock, he wears a low-cut waistcoat. He moves around the House with majestic grace, protecting his kidneys meantime by clasping his hands under the tails of his coat. Mr. Burrows plays Sherman to Tom Reed's Grant. . . . He spends much of his time in his seat with his fingers twined over his chest, and his head just above the back of his chair. He has hands as soft as those of the late A. T. Stewart, and his head is as hard as that of George F. Edmunds. For a man who displays more than an average weight of watch chain, he is unusually urbane and agreeable. When his voice is heard in debate the House pricks up its ears. Mr. Burrows is a man of meat, both intellectually and physically. He strikes hard blows in open battles, and he is an adept in mining and countermining. If he wanted a pheasant, he would kill one on the wing if possible; failing in this, he would

shoot one sitting if opportunity served; if he missed it, he would snare the bird,—but a pheasant he would surely have.”

“Uncle Julius Cæsar is the Moral Regenerator of the Senate. Every once in a while he lets off a thirteen-inch gun that keeps the echoes booming for months. He is chairman of the Committee on Privileges and Elections, which has the say as to the qualifications of Senators. . A few years ago he made a speech and led the fight against the late Matthew Stanley Quay, who was trying to get back into the Senate through the medium of his Pennsylvania pull, and he defeated Quay, although it was by the narrowest of squeaks. After he had rested up from this he let go at Reed Smoot, the angular and artless apostle of the Mormon Church. He didn’t get Smoot, but he put a dent in the Mormon Church that was hailed with glad acclaim by most of the other religious bodies of the country.

“It is Uncle Julius Cæsar’s theory that no man in public life can go amiss if he follows and fosters any movement backed by the women and the churches of the country. Not to say that his tendencies are not in this direction, but Uncle Julius has been in politics a few years and he knows a thing or two. When you come down to studying the ornithology of the Senate, the first classification is Wise Old Owls.

Uncle Julius competes for leading honors in this classification with Uncle William B. Allison, of Iowa. The two of them have all the rest of the Senate crowded off the perch for soft, silent, secretive wisdom. They think of things six months before you get a flash at them.

“At the risk of being called a Nature-faker, it is necessary to say that Uncle Julius Cæsar is, also, a sly old fox. He goes paddling around, beaming on everybody, sitting for hours in his seat without saying a word, but keeping tabs so closely that he can tell what is going to happen before most of the other statesmen know what has been proposed. From time to time, colleagues have thought Uncle Julius was dozing with his duties, but whenever there was anything suggested that ran counter to his ideas, Uncle Julius was found to be as wide-awake as the passengers on a Sound steamboat on a foggy night with the siren going.”

“When you think of the Senator you must think of a trail of books: heavy books, earnest books; histories, biographies, Government documents,—world without end. Once in a while, amidst a general conversation, he shows a momentary interest in what might be termed ‘general facts,’ in Shakespeare in particular; but on the whole it is the Philippines, Tariff, and weighty things of a National type. I inquired closely

into his reading, and was naïvely informed, 'Standard books on standard subjects, but no novels. No, sir, —no novels, no matter by whom written.' The Senator has not read half a dozen novels in his life. This omnivorous reading habit has become second nature with the Michigan Senator.

"How systematic the man is! Every letter on his desk, every pigeon-hole and its contents, the arrangement of his books, the location of his documents,—he knows these things at all times. And he insists on order. It is a strong, underlying quality of his nature. . . . He wastes no time. Nothing is ever lost or mislaid. He goes straight to the point; and so, too, mentally, his sense of order tells him what to do,—that if he goes elsewhere he will fail. . . .

"The Senator always has a good word for his employés, and he often shakes hands with each of the men in his legislative workroom, saying 'Good morning, how are you?' . . . You may say these are simple things, but I reply that the small things in this life unerringly report a man's character, and when you have forgotten the Quay case, and all that, you will recall the man by the simple things I tell you here. He is as open as a book, but you must read a long time to picture him as he is. He accepts invitations to formal dinners but he seldom eats anything. The fact is, social functions rather bore him. He is

entirely domestic, I should say, and in vain I asked about bridge-whist, poker, billiards, and golf.

"The Senator simply cares nothing for clothes. On election tours, when he wore that old, tan-colored felt hat, he would think nothing of taking it off and dropping it to his feet on the car platform, then perhaps giving it a kick to send it out of the way."

To his colleagues, Burrows was best known as a parliamentarian, to the country at large as an orator, to his intimates as a wit.

"His knowledge of parliamentary proceeding is so profound that he has been often called upon to unravel parliamentary knots which members have found themselves in. He watches the proceedings closely, and if the opposition transgress the rules of the House, and attempt to force measures through by throwing aside established usages, they can always count upon hearing his voice in opposition."

A single instance of this may be quoted from the report of the proceedings of the House on April 6, 1892. "The arbitrary ruling of Speaker Crisp against Mr. Burrows Monday last came back to torment the presiding officer of the House today. There was a motion before the House to go into the Committee of the Whole to consider the private calendar. Upon this motion, Mr. McMillin of Tennessee arose to make a proposition with reference to despatch of

business. Mr. Burrows immediately arose and asked the Speaker if the question before the House was debatable. Speaker Crisp replied, 'It is not. Does the gentleman from Michigan object?' Mr. Burrows replied, 'Not in the least; but the gentleman from Michigan is amazed that the Chair does not enforce the rules of the House, and require the gentleman from Tennessee to take his seat.' The conditions in the House at this time were exactly similar to the situation on Monday last when the Speaker required Mr. Burrows to take his seat. Every member of the House realized the awkward position in which Burrows had placed the Speaker, and there was a general laugh on both sides. At this the Speaker lost his temper, and said,

"The enforcement of the rules of the House is the business of the Chair, and the Chair will attend to its own business."

"And it is the business of the gentleman from Michigan to see that the rules of the House are enforced," said Mr. Burrows, 'and if the Speaker is negligent of his own rulings, it is the duty of the gentleman from Michigan to call his attention to that fact.'

"The whole House was in an uproar of laughter at the discomfiture of the autocratic Speaker. The only two gentlemen in the House who were not laugh-

ing were the Speaker, whose face was scarlet with anger, and Mr. Burrows, who was calm, dignified, and serious outwardly, although almost convulsed with suppressed laughter."

The value of the strong self-control he possessed was fully appreciated by Burrows, and studiously cultivated: "A man may sit in his library," he once said, "and be able to say parliamentary law backwards in seven different tongues, but unless he is careful to observe the possibilities of the practice of this law he will never be a clever parliamentarian in this world or any other. He may learn all the law possible, and learn all the variations of its use, but unless he learns self-control he can do nothing. There are several well-versed parliamentarians in the House today who are, nevertheless, unsuccessful, just because they lose their temper with the first move of the enemy. Given self-control and the requisite information, parliamentary skill consists in the ability to make such motions as will impale the enemy on the greatest number of points he is endeavoring to escape."

The exercise of this power of self-control at times proved most exasperating to those who found themselves routed by his urbanity and outwitted by his parliamentary skill. Many passages at arms are recorded on the pages of the Congressional Record, and the galleries came to expect from him some

unusual situation to relieve the monotony of prolonged debate. When, in 1894, the Federal Election Bill was under discussion, for example, Colonel Fellows of New York completely lost his temper, and declared with great vehemence: "When the keen eyes of the gentleman from Michigan discovered a Democratic majority yesterday and the day before, he arose and addressed the Chair in his suavest manner. In his appeals to the House he applied tones as low and sweet, I fancy, as those he may have used in far-off years to woo a Michigan maiden: 'Mr. Speaker' (*imitating Burrows' voice*), 'I really think we shall be obliged to ask for tellers. Mr. Speaker, it seems to me that we must have a yea and nay vote.' But this morning, discovering a Republican quorum here, he proceeded with a voice as potential as the boreal blasts of his own State, the very breeding-place of blizzards. And united with that, there was the murmuring of the New England pines. The gentleman had lost that easy nonchalance that used to characterize him. Yesterday it was the soft voice of the nymphs; today it is the thunders of Jove. Yesterday it was the *suaviter in modo*; today it is *fortiter in re*."

"Mr. Burrows is a born orator. He has the genius of eloquence. He is no mere rhetorician, but a genuine, strong orator who, with invincible logic, con-

vinces the understanding, and by eloquent appeal carries captive his listeners. His logic is as famous as that of Calhoun, his eloquence is magnetic and resistless as that of Corwin or of Lovejoy." . . . "His voice is rich and mellow, of a low, baritone pitch, inclining to bass, clear as a bell, pleasing and penetrating in its tones, and admirably adapted for large crowds in halls and auditoriums. When he commenced speaking, in the sixties, he fell into a melodramatic style such as is affected by actors, but that has all passed away. The original delivery has been greatly modified, but a *soupçon* of the style has been retained so that now it is a happy combination of the dramatic and the conversational. Some critics charge him with studying beforehand not only his periods but his gestures and poses. The latter part of the charge is unfounded. He never studied a gesture or posture in his life, has never taken a lesson in elocution, and every movement of his body is made unconsciously as his subject moves him. A marked tendency to sarcasm, one of the most effective weapons in public speaking, adds spice and interest to his efforts, which are also tinctured with a fine vein of humor. His style is epigrammatic, and in this respect somewhat resembles that of Congressman Tom Reed."

"Burrows is as gracious and agreeable upon the floor of the House as in his personal associations;

dignified and deliberate; his voice as gentle as a summer shower. He never talks for effect, but, apparently absolutely steeped in his convictions, tries in the most gracious manner possible to instill them into the minds of his hearers. As a parliamentarian he appears to be superior to Thomas B. Reed. If he had been the Speaker of the Fifty-first Congress the extraordinary scene attending its death would never have occurred. Democrats would have vied with each other for the honor of introducing resolutions, thanking Burrows for his impartiality as a presiding officer. His rulings while in the Chair, like those of Carlisle, were eminently satisfactory to both sides of the House. Never did he lose his temper,—always kind and indulgent, he convinced even his bitterest opponents of his absolute impartiality. A better parliamentarian never occupied a seat in the House. He receives the hardest blows with equanimity, never losing his balance in debate. This makes him popular with both sides of the House, and invaluable to his Party. With all his other good qualities, Burrows is an indefatigable worker in Committee. He never speaks upon a subject which he does not thoroughly understand. . . . Manly, persuasive, watchful, able, energetic, courteous, and agreeable,—no man on the Republican side has more influence in the House."

"Hon. Julius Cæsar Burrows appears to me in many

respects the most remarkable man in the present House of Representatives. In his immediate vicinity radiates the diminished glory of Tom Reed's hold; the dazzling stripes of the Tammany tiger catch the eye in the person of Bourke Cockran; the interrogation points that bristle about the feet of Jerry Simpson divert the attention, and the meteoric play of Boutelle's deadly oratory paralyzes the senses. Still, Burrows' figure stands forth on this bewildering page of current history with a persistent cleanliness of outline that baffles one at first.

"I feasted my gaze on him a long time before I could understand why I admired him and was actually grateful to him for existing. I found him an unfailing remedy for that 'tired, nervous feeling' which the air of the galleries and a general survey of the House induces. Moreover, he inspired me with the faint and then fast-increasing faith that in something, somewhere, is reason why the spirit of mortal should be proud of America's alleged statesmen.

"To the naked eye there he was, well-fed, well-groomed, well-dressed, well-bred,—handsome, if I did not compare him with Durborow, Bellamy Storer, or any of the famed standards of manly beauty in Congress. No, it was not his looks. He spoke—a good voice, to be sure. Its full, well-modulated tones were suggestive. Still, a man doesn't by his mere

voice make a woman mentally cover her head and acknowledge a master. Ah! his poise; there lies the secret of his power.

“The *habitué* of the galleries never sees Burrows idling. I have watched him before Congress met in the morning, and I have watched him through the prosy lengths of an after-midnight session, and on no occasion have I caught him in the slovenly attitudes of relaxation that a large majority of the members, on the strength of their official dignity and the weakness of their muscle, effect at all times of the day. Burrows is occupied by the business of the day. Just that—he is occupied by the business of the day. Not frightened by it, as is the young member who looks as if he had been tubbed by his mother and sent to Congress he never could tell why; not bored by it, as is that other young member who must wait under it until he can raise the point of no quorum and retire; not sublimely indifferent to its existence, as are the large number who stroll about, loll about, chat, laugh, and perhaps answer roll-calls between drinks; nor yet overcome by it, as is the fussy little member who runs hither and thither performing all his duties, from calling a page to picking his teeth, electrified by the consciousness that the eyes of the Nation are upon him. . . .

“When a colleague comes up to address him he

does not, as nine out of every ten other men do, wheel out into the aisle with a jerk, grasp the invader violently by the hand, and embrace him with a degree of affectation that is positively indecent. He calmly greets the friend or enemy who approaches as if from the beginning of time he had been expecting him to arrive precisely at this moment and say exactly what he starts out to say. He does not even subject himself to the unnecessary effort of holding a pen while talking, but places it on the desk before him the moment he is interrupted.

“When he arises to speak in the House the very air around him listens; not with the scared expectancy of a child looking to be hit, as when the well-known gentleman from another district speaks; nor ready for a guffaw, as when another celebrated gentleman is heard; nor with irreverent interest mixed with matinée admiration, as when still another distinguished member claims the ears. It listens respectfully, and everybody within hearing feels an impulse, if only instant, to straighten up, pull down his vest, and be a man.

“The command Mr. Burrows has on the floor has been attributed to his finished oratory, while as a matter of fact it is due to his strong personality. The surest test of a man’s personality is the influence it exerts under difficulties, so that to be acknowledged

leader of the minority predicates something of a man's strength that power, accorded with force of numbers in his favor, does not. There is a difference between personality and individuality that is not always comprehended. Strong individuality attracts us; strong personality attracts and controls us. There is the member with strong individuality who ruled absolutely while the odds were in his favor; another member of strong individuality who attracts and amuses where he does not antagonize; and another, whose strong individuality attracts to stimulate the curiosity.

"‘What is that man's strong point?’ I asked a friend of his.

“‘Silence,’ was the reply.

“But Burrows' strength is of the nature that in the Silver fight—the only opportunity this Congress has presented thus far to gauge men's might—made rebels of Czar Reed's erstwhile most obedient subjects, and raised a panic in the ranks of the enemy, betraying their force before the battle was on, that got him proclaimed the country over as the cleverest parliamentarian on the Republican side of the House.”

“Senator Burrows believes in avoiding squabbles. He does not enjoy them, and he keeps out of them to the limit of his ability. He really has figured in some mighty lively fights up in Michigan, but not because he wanted to. He would have preferred that the

other fellows had quit fighting and left him with his office secure and with peace unbroken. . . . Just one exception ought to be made to this rule: his one enemy is the Democratic Party, and that hostility is apparently exhilarating in its effect upon his health."

"The Michigan Senator is a devotee of the Rooseveltian fad of walking. When the day's work is done at the Capitol, which is about five o'clock, Burrows strikes out for home at a brisk gait, and he walks all the way, although the distance is a mile and a half. He commonly retires between ten and eleven in the evening, and he sleeps, it is said, with never a troubled thought. Theatres do not serve to keep him out later than his usual bed-time, for he refuses to be induced by any of the lighter attractions. He sighs for Booth and Joe Jefferson, and failing them he prefers to stay away from the show-shops. Many elderly men find that they require less sleep as the years creep on, but it is not so with Senator Burrows. He sleeps eight or nine hours every night regularly, rising at seven o'clock in the morning."

The National reputation gained by Burrows as a wit resulted in associating his name with many stories of the Capitol which were as new to him as to their readers. The two which follow are properly authenticated:

"Senator Depew, Senator Burrows, and a number

of other statesmen, who like to have a good time, have organized an 'Inferno Club.' It meets daily in the restaurant at noon, and its sessions are described as hair-raising. The organization is an outgrowth of the debate on the Philippines Bill. The members of the Club say they have heard such horribly harrowing stories of the atrocities committed by the American soldiers, and by the opponents of the measure, that they secure no satisfaction in the articles printed in newspapers because they are so unexciting and dull, so the Club was formed in order to supply this deficiency. Each day some member of the Club tells a blood-and-thunder story which he dresses up in the fiercest language at his command. Senator Depew, so far, bears the palm, as he related to the members the narrative of a railroad ride during which occurred a robbery, a murder, a suicide, and a wreck. Innumerable people were killed, and there was more blood-shed than occurred in the Samar campaign."

"Senators Burrows and Hanna were lunching in the Senate restaurant. Senator Hanna liked good things to eat, but unhappily sometimes he had indigestion which interfered with his epicurean tastes. The Ohio Senator had ordered a light repast, though he evidently longed for some of the richer and less digestible morsels on the bill of fare.

" 'Do you know,' he said to the Michigan Senator,

'I have one ambition in life—an ambition which is paramount to all others.'

" 'The Presidency?' asked Burrows good-naturedly.

" 'No,' said Hanna.

" 'Well, what then?'

" 'I should like to eat everything the palate could wish, the finest dishes that could be prepared, and—'

" 'And what?' encouraged Burrows.

" 'I should like to have the work of digestion devolve upon some Democrat.' "

Burrows was a consummate story-teller, with the faculty of always making his stories hit the mark. Out of an innumerable collection taken from campaign and other speeches, these two are selected as characteristic. The application of both can easily be made:

"There were two sisters living up in my State who were fond of each other and all that, but who warred constantly about the two great schools of medicine. One pinned her faith to allopathy, the other to homeopathy. One day there was great excitement in the family of the lady who believed in homeopathy, and it was soon announced that she was the mother of bouncing twin boys. The other sister came down in a hurry.

" 'Well,' she said, 'see what has happened. I

wanted you to have an allopathic doctor. After this, I fancy, you will listen to me! ”

“There was a young man in Michigan who was deeply enamoured of a beautiful young lady in my town. He lived in Detroit, and one day he decided that the only thing for him to do was to propose. So he went to the telegraph office and sent this message:

“‘Will you marry me? Twenty-word answer paid for.’

“An hour later he received this reply:

“‘You are extravagant. Why pay for nineteen words too many? NO!’ ”

“Sunset” Cox paid the following tribute to Burrows’ reputation as a story-teller (August 19, 1882): “I desire to write some articles on the stump, and if you can, out of your *repertoire* of anecdote, give me a few of your best, I will be able to send you a dozen articles which may refresh your rhetoric in the coming campaign. I take the liberty to make this request as I believe it will be a fair exchange in the end, as it is indispensable for candidates to have a few choice pet stories to cheer the monotony of the Fall campaign. Any incidents of the stump in your experience will be thankfully received and duly chronicled.”

In 1906, when so much public attention was given to the reformed spelling movement, Senator Burrows

stopped a moment, when leaving the White House, to speak to a newspaper man, while waiting for his cab.

“Why don’t you take a street car?” asked the newspaper man; “it will get you over to the Capitol quicker than a cab.”

“I am taking the cab,” said Senator Burrows, “because I must stop *en route*. By the way, should that be pronounced *rout* or *rute*?”

The newspaper man replied, “The interesting question is not how you pronounce it, but how you would spell it in accordance with the reformed spelling method.”

“Oh,” replied Senator Burrows, “as for the reformed spelling method, it is *r-o-t.*”

Burrows had occasion to go to the Department of Agriculture in behalf of a constituent. On his way back he met Senator McMillan, who stopped him and said,

“Where have you been, my son?”

“Over at the Agricultural Department,” replied Burrows.

“Did you get anything?” asked Senator McMillan.

“Nothing but a pretty plant they gave me for my wife,” replied Burrows. “That was the only thing I could find that was not in the classified service.”

Senator Jones, of Arkansas, was showing a party of people from his State through the Capitol, and was

explaining the various points of interest. It seemed to amuse Senator Burrows, who, when the other Senator parted from his guests in the Marble Room, approached him and said,

“You needn’t worry.”

“About what?” asked Jones.

“Making a living when you quit the Senate. You only want one thing to make you a first-class Capitol guide.”

“And what is that?” asked Jones.

“A badge,” was Burrows’ reply.

In a commemorative speech made by Burrows at a meeting presided over by General Alger, Burrows was depicting the powerlessness of the States in the years immediately following the treaty of peace, and at the words, “They could coin money, but they could not import bullion,” he paused, smiled, and, turning to General Alger, said, “I am tempted to add that they couldn’t have free coinage.”

The State of Michigan gained the reputation of sending lumber kings to the United States Senate. Senator Stockbridge was a lumber king when he started on his National career, and General Alger made his fortune through trees. At a dinner-party in Washington, at one of the great diplomatic houses, the cost of living in that city was a subject of conversation, and diplomats and statesmen alike agreed that

one ought really to be independently rich to keep up a prominent social life there.

"If only we were all lumber kings from Michigan," said one diplomat with a sigh.

"Yes," said Senator Burrows with a smile; "I often realize that I made the mistake of my career by going into stumping instead of stumpage."

Senator Burrows had a coachman who entertained the opinion that his employer was the author of all the laws upon the statute books, and no amount of argument was able to change that belief. One day he drove to the Capitol to await the adjournment of the Senate, and then to drive Mr. Burrows home. It was the first day that Prince Henry of Prussia visited Congress, and owing to the crowd the police were obliged to enforce the regulations, keeping carriages a certain distance from the building while waiting. Senator Burrows' coachman insisted, however, in waiting near the driveway beneath the Senate steps. The police ordered him to drive away, but he refused, on the ground that the carriage belonged to the Michigan Senator. Finally, when he declined to be persuaded by argument, the captain of police was called.

"You'll have to get farther back," said the captain.

"Can't do it, boss; dis heah am Senator Burrows' carriage."

"Can't help that," replied the police officer; "it

doesn't make any difference whose driver you are,— you'll have to obey the law."

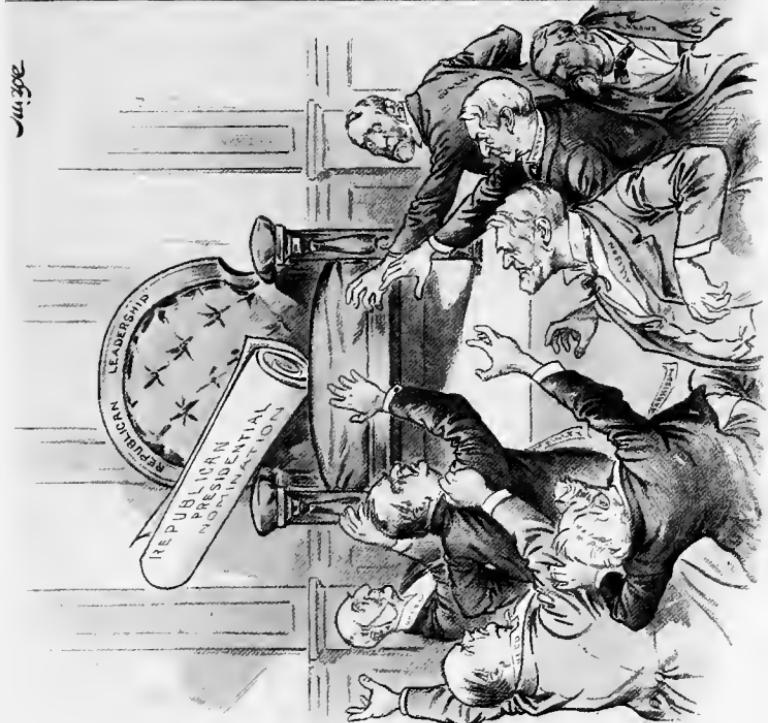
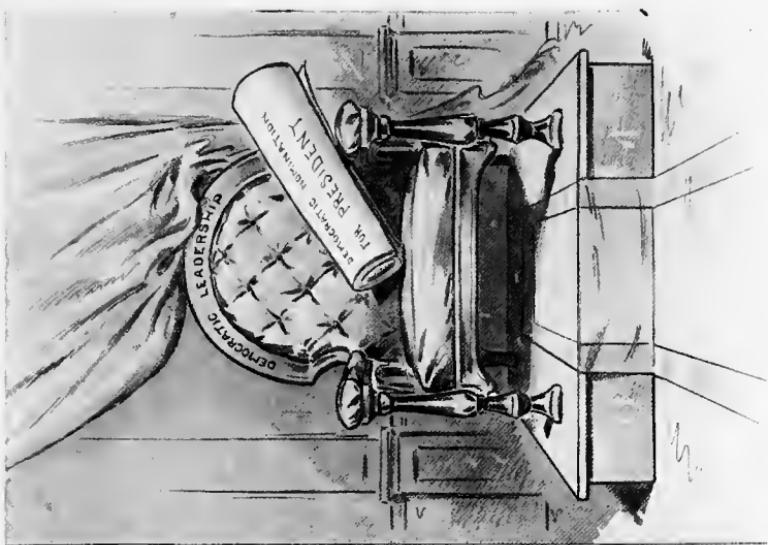
"No, sah," returned the coachman; "Senator Burrows, he make all de laws, sah, and he dun make no law says I can't stop heah, sah."

And the negro remained there until the Senator came out and entered the vehicle.

CHAPTER III

IN THE SENATE. 1895-1899

IN view of Burrows' strongly-magnetic personality, his conscientious and indefatigable labors,—resulting in inestimable service to his Party and to his country, the question naturally comes to the reader as it has to the biographer, why a man with such gifts, with such training, with such loyalty of purpose and such power of accomplishment, should not stand more preëminently as a National figure. It is a fair statement to make that no single member of the Republican Party has ever contributed more to it in actual constructive service. We find Burrows' name associated with nearly every measure espoused by the Party from its birth down to his death. We find him suggested as a possible candidate for Vice-President and even for President of the United States. We find him one of the few great orators of his Party; and yet others, whose service has been less, or at most no greater, stand more prominently forward whenever the leaders of the Republican Party are named. Perhaps what J. G. Cannon said of him, in answer to this question, is a partial explanation: “Burrows



CARTOON FROM "JUDGE"

1895

while in the House was certainly one of the leaders but could never be called the leader. He was too great an orator to be a real leader. On the other hand, Burrows was always to be found nearest to the load, and doing more than his share of the work."

Burrows was never a seeker after mere popularity. He always avoided that most evanescent of all honors which comes from doing things of little or no value but which serve to win temporary popular applause. His friends often reproached him for failing—through over-modesty—to let his constituents and the country know the extent and importance of his work. Anything that savored of the spectacular was distasteful to him. For this reason, among others, he seldom or never, in either of the two houses of Congress, took part in what is sometimes termed a "running fire" of debate. He had no taste for bandying words with another member or other members of the House or Senate,—a proceeding of no value in the advocacy or defense of a cause, and which has no tendency to change the opinion of any one in Congress or out of it.

When Burrows went into the Senate, Henry Loomis Nelson wrote the following estimate of him. Perhaps this analysis may serve as a further explanation:

"After a service in the House of Representatives reaching back twenty-one years," Nelson says, "Mr. Burrows has developed into an adroit parliamentarian

and an accomplished leader on the floor. It is hardly probable that he will ever be *the* leader, or that his advice as to policies and programmes will ever be dominating. He belongs to a class of men who are not rare in any country where there is parliamentary government, but who are especially useful in the rough and tumble of our own popular branch of Congress. They are men who really follow when they seem to lead, but without whom their Party would make very little progress towards the accomplishments of its objects. They are not only the scouts sent forward to test the enemy's strength, to draw his fire, and to be counted on to return it with good effect, but they lead grand charges with dash and spirit, and make a splendid show of the warfare that they are carrying on in common with the rest of their side. They are panoplied in a magnificent and resounding vocabulary, and on a great many ears sonorous sentences make the same impressions as arguments do on minds. Not that these colonels of debate, the uhlans and hussars of a parliamentary body, are armed with no more deadly weapons than their shouts, but to the spectators of the fray the shouts are blood-stirring, and to some the quickening of the pulse brings convictions quite as disturbing and as conclusive, so far as the interests of others are concerned, as the movements of the gray matter to steadier minds.

“All this is said for the purpose of classifying Mr. Burrows, to take him out from the general mass of the House of Representatives, and to place him among the men who have gained their places in public life by a gift of speech which some have called divine, but which is certainly dangerous. Indeed, to some the gift of oratory is fatal; for if one can accomplish with words what others must do with study and thought, the temptation to rest the burdens of life on the lips rather than on the nerves and brain is wellnigh irresistible. Mr. Burrows, however, is more than one of these. He is preëminent among them. It is no mere gift that he exercises, for whether he has labored over himself or has had the principle of growth within him, he is a much larger pattern of statesman than when he made his first appearance in Congress, now nearly twenty-one years ago. In one thing, indeed, it is clear that he has done much labor, and that is in mastering the technicalities of his profession, which has grown to be that of a member of the House of Representatives. He knows the ins and outs of its rules, and while he could not have been the author of the great departure which Mr. Reed inaugurated in the transaction of legislative business, and while his acquired principles were doubtless shocked¹ by the rude and sudden violation of precedents, traditions,

¹ As a matter of fact, Mr. Burrows heartily approved the “Reed rule.” See *ante*, page 11.

philosophies, and law which is working out into a new system that will bring parliamentary proceedings more into harmony with modern life, he could deftly defend his leader after he had mastered his brief. Mr. Burrows has a certain friendliness of mind, very like the charming manner which makes him one of the popular men in Congress, towards the ideas of those who control the organization to which he has always shown a most devoted loyalty.

“He belongs to a race of men whose imaginations were first fired in the war of the rebellion. It is a race which is not only passing away, but which is giving place to quite another race, also the product of its times, a race that calculates, is intent on business, and that realizes the importance of material things in the government of the country. Mr. Burrows has shown his superiority to the other imaginative men with whom he began his career by keeping up with the changes and progressions that have characterized the years during which he has been aiding in the making of laws. His facility of speech has not mastered him, has not kept him trailing in the dust of the armies of a generation ago, although he is still enough of a political artist to use the properties of the rebellion when he can produce an effect with them. It is, however, greatly to his credit that he can speak as

vigorously and as effectively on a Tariff Bill as he did on the Civil Rights Bill. He shows the enormous advantages of the training of a career in the House of Representatives, for the education which Mr. Burrows had obtained from actual service has developed him from a stump-orator of the first class to an exceedingly clever debater on economic questions, and an authority on parliamentary law. It is no longer a secret that Mr. Carlisle, when he was Speaker, regarded Mr. Burrows as the deftest and most accomplished parliamentarian on the Republican side of the House; but that was before Mr. Reed's revolution. In this steady advance to usefulness and leadership lies a lesson to many constituencies, who are too much in the habit of throwing away promising material. If Mr. Burrows had had his two terms twenty years ago, and had then been called back to the practice of the law at Kalamazoo, Michigan, of how much real value would he now be to his Party and the country if he were returned once more to the House in these days of economics? Probably his speech on the Wilson Bill would be confined to the theme, 'The Southern Brigadiers in the Saddle.' Certainly the wool-protectionists would not write, as they did, to all the principal sheep-raisers in the country to send their statistics, experiences, and arguments to Mr. Burrows,

because he had been selected as the champion of the wool-protectionists, and wanted facts for his coming effort in behalf of dear clothes."

Burrows took his seat in the Senate on January 23, 1895, just as the Fifty-third Congress was coming to the close of its third session, so that his history as a Senator may be said to begin with the Fifty-fourth Congress. The brief time which remained to complete his service in the Lower House was filled with gratifying experiences which could but impress him with the sincerity of the respect and affection which he had won from his associates. His first appearance in the House after his election as Senator was greeted by an unprecedented applause, which the Speaker saw no reason to check. When Burrows' nomination to the Senate was announced, Reed telegraphed him, "We shall miss you much," and this expressed the universal attitude of all those who had been members of the House long enough to become intimately associated with him.

Burrows entered the Senate not as a stranger but as one intimately acquainted with its traditions and its practices. His duties on the various committees, and his labors in the vanguard with so much legislation of vital National importance, had made it necessary for him, during his long term as Representative, to frequent the Senate Chamber, and he found him-

self at once among friends who gave him hearty welcome. An interesting discovery, when he took possession of his new committee room, was that the long, baize-covered, heavily-carved table reposing there had been used at the impeachment trial of Andrew Johnson in 1868, and around which sat the members of the House of Representatives who were investigating the charges.

Contrary to all precedent, Burrows was at once given appointments to important committees, including those on Privileges and Elections, Post-offices and Post Roads, Claims and Pensions. He was also made chairman of the Committee on the Revision of the Laws, but this position was complimentary rather than of any marked significance, as the history of this Committee has never been one of great activity. Both the Senate and the House were Republican, and as soon as organization was perfected the House adopted the most extreme measure yet taken as to its quorum, which made the previous "Reed rule" seem conservative: the Sergeant at Arms was authorized to bring absentees into the Chamber until a sufficient number were present to form a quorum. This final action made the Speaker an absolute autocrat, and placed him in a position where both legally and morally his influence was hardly second to that of the President.

Little legislation of importance was transacted in the Fifty-fourth Congress, although at one time there seemed to be every probability that Congress would be called upon to take war measures on account of the Venezuelan dispute with Great Britain. There had been for fifty years a dispute regarding the boundary line between Venezuela and British Guiana. The disagreement was not of any great importance until the debatable land proved to contain enormous undeveloped wealth, which brought the question to a climax. The United States offered arbitration which was declined by Great Britain, whereupon President Cleveland appointed a Boundary Commission of his own, and a line was determined within which any action on the part of the British Government would be regarded by the United States as "wilful aggression on our rights and interests."

Burrows, during the Venezuelan controversy, was asked to define his position on the Monroe Doctrine. "I construe the Monroe Doctrine," he said, "that while European governments holding possessions on this continent and the islands adjacent thereto will not be molested in such holdings, and will be permitted to retain and enjoy such possessions without interference from the United States, yet this Government will not permit any foreign power to extend its possessions or acquire new territory on the Western hemisphere

without its consent. The Monroe Doctrine ought to be enforced at all hazard, even if resort must be had to the extremity of war. War, however, can be averted by having it understood that it will be inevitable with any nation refusing to respect the declared policy of the United States in this regard.”¹

Recent pacifists, who felt that to take a firm position was more likely to produce war than a continued policy of vacillation, should study the Venezuelan episode with discriminating care. The boundary line was satisfactorily arbitrated, and the United States took a higher position in the estimation of the world because she had lived up to her traditions.

That Burrows was active in this first session in the Senate is shown by the number of bills which he introduced and the fact that he made twenty-one speeches upon various subjects, the most important perhaps being that upon the Du Pont case, which involved the question of Henry A. Du Pont’s right to a seat in the Senate. This was an unusual and interesting instance:

On May 9, 1895, in the Delaware Legislature, the vote for United States Senator was fifteen in favor of Du Pont and fifteen against him, the negative votes including that of the Speaker of the senate. It so happened, however, that Governor Marvil had died

¹ October 30, 1895.

on April 8 preceding, and under the Delaware law the Speaker of the senate becomes acting Governor until a successor is elected. Speaker Watson took his oath on April 9, and from that date until May 9, when the Senatorial contest was before the senate, acting-Governor Watson took no part either as State senator or as Speaker in the transactions of the State senate. On that day, however, he appeared in the senate and cast his vote against Du Pont, creating the tie. The question, therefore, which came before the Committee on Privileges and Elections, of which Burrows was a member, was, "Had Watson, while exercising the office of Governor of the State of Delaware, the right to vote in the joint assembly of the Legislature for United States Senator?" A majority of the Committee insisted that "so long as Watson continued to exercise the functions of Governor he had no constitutional or legal right to discharge the functions of senator, and that his attempt to do so in the joint assembly of May 9 was usurpation, and his vote for United States Senator a nullity."

Burrows took his position with the majority. "After assuming and entering upon the exercise of the office of Governor," he said in debate, "and while in the full and exclusive discharge of its high functions, Governor Watson presumed to reenter the senate, resume the Speaker's chair, preside over and

participate in the deliberations of the joint assembly, and cast his vote for United States Senator, justifying this startling exhibition of autocratic power by asserting that he was not only the Executive of the State, but at the same time a member of the legislative branch of the Government, and, indeed, the rightful incumbent of three offices at the same time,—governor, speaker, and senator,—the powers and duties of all or any one of which he was at liberty to discharge at will. Out of this assumption of official authority has grown this protracted controversy, culminating in the issue now presented for the determination of the Senate, and which may be stated in a single line, viz: Could Watson, while exercising the office of Governor, lawfully perform the functions of senator? To this query we make emphatic denial."

Burrows' speech was another exhibition of his skill and ability as a constitutional lawyer. His array of precedents, and his marshaling of the facts in logical and convincing sequence, contributed much toward bringing the case to a favorable vote on the part of the Senate after a wrangle of more than a year. In closing his speech Burrows said: "By this act Governor Watson thwarted the sovereign will of the people of Delaware, and inflicted an irreparable injury upon the State by depriving her, for more than a year now, of that equal representation in the Senate of the

United States to which, under the Constitution and laws of the country, she was justly entitled. I am aware of the fact that the high character and great ability of the distinguished Senator who stands sole sponsor for the State has reduced that injury to the minimum, yet this can not justify the wrong or palliate the offence. How long this disfranchisement of a State is to be tolerated and enforced it is impossible to forecast, but one thing is certain, that every hour of its continuance is a further grievance and an added injury. While we are powerless to make reparation for the past, the future is within our control. It is to be hoped that the judgment of the Senate will be such as to restore to the State her rightful representation in this chamber by according to Henry A. Du Pont the seat to which he was elected and is justly entitled."

If one were asked to sum up in a single word the fundamental attributes which went to make up Burrows' character, he would unhesitatingly say "Americanism." His loyalty to his State was unquestioned, yet he placed his obligation to his country above all other fealty.¹ His hatred of slavery was first engendered by the obvious disunion which it fostered. His antagonism to the Democratic Party was because it was willing to see the Nation divided. The life his-

¹ See *ante*, page 18.

tory of no man could more appropriately entitle him to rise to the sentiment, "America—may she always be right, but America, right or wrong." When, therefore, we find him defining what true Americanism really is, in an address delivered at the Marquette Club dinner in Chicago on October 9, 1896, we turn to it with unusual interest. In view of the opportunity it afforded him for a spread-eagle display of his undoubted oratorical powers, it is illuminating to find that his conception of "true Americanism" was a simple statement of the basic creed of the Republican Party:

"True Americanism," he said, "cannot take its root in the soil of State sovereignty. It draws its nourishment from a richer loam, and reaches its highest development in the broad sunlight of Nationality. . . . The chasm which stretched as an almost impassable gulf between the North and the South has been arched and forever concealed, and above its hidden depths the present and incoming generation shall forever march in community and peace under one flag to one destiny. It is time the last trace of Mason and Dixon's line should be obliterated from the face of the Republic. It is time that the designations North, South, East, and West, should be merged in one common appellation, and that 'Our Country.' When we shall have reached this high altitude, we

shall be enabled to consider and solve all questions of National concern in the broad spirit of true Americanism. Fortunately, the questions of the present invite to such a consummation. The great problems of today, important and far-reaching as they may be, appeal for their solution to no section, class, or condition. They are broad as the Nation, and we have but to bring to their consideration the high spirit of true Americanism to insure their settlement upon a wise and enduring basis. And, touching these questions, what, may I ask, does true Americanism demand?

“First, it demands an industrial policy which shall be intensely American. It demands a policy which shall insure the fullest possible development of all our resources, and the largest attainable employment for all our people. It demands the restoration of the American wages to the American workmen. It demands that the American market shall be preserved to the American purchaser, and that he shall at least be given an equal chance in his own market with his foreign rival. It demands a tariff not for revenue only, but such a rate of duty as will yield sufficient revenue for the support of the Government, and shall at the same time be so adjusted as to protect, maintain, and diversify American industries and give employment to American labor. True Americanism

suggests that if any mills must be shut down they shall be foreign mills, and not our own; that if any labor is out of employment it shall be foreign labor, and not American labor. True Americanism demands that the American market shall be open to the free importation of all articles except luxuries, the like of which we do not or cannot produce, while imposing sufficient duties on articles we do produce to measure the difference in the cost of production at home and abroad. It demands that when foreign competing products enter our markets it shall be on the level of the American wage and the American home. We will permit foreigners to compete with us in our own market on our own level, but will never consent to be dragged down to theirs.

“In a word, true Americanism demands that this Nation shall resume its place in the van of the industrial nations of the world, and march on unimpeded in the course of its high destiny.

“True Americanism also demands a financial system, whatever it may be in its details, that shall not impair the public credit or impeach the public faith. It cannot be adjusted in the interest of any State or section of the country. It is a National question demanding the broadest National treatment. True Americanism takes unbounded pride in the integrity of the Nation, and in the reflection that the Republic

never yet repudiated a dollar of its obligations, or broke faith with a single creditor. Our financial standing must be maintained, and true Americanism demands that every dollar issued by this Government, whether of gold, silver, or paper, shall in its purchasing and debt-paying power be the equivalent of every other dollar, and second to none among the nations of the earth.

“Further, true Americanism demands such a modification of our immigration laws as shall permit the peace and good order of society and the stability and well-being of the State. While I am aware this country has ever been regarded as an asylum of the oppressed, it never ought to be considered the refuge of the criminal. While the gates of Castle Garden are open to the deserving, they should be forever locked and barred to all those who would come to us embued with the spirit of hostility to our institutions and our laws. There is no room for the anarchist on American soil, no place for the flag of the Commune in the American sky.

“Finally, true Americanism demands a foreign policy which, while evading the extremes of jingoism, shall not expose the Nation to the imputation of cowardice; a foreign policy which will serve notice to all the world that the United States will not hesitate to enforce and maintain the Monroe Doctrine against

any foreign nation, however powerful, whether the aggression is attempted in Venezuela or on the islands of the sea; a foreign policy which will not attempt to set up foreign thrones or deposed monarchs, or turn a deaf ear to the appeals of a people struggling at our very door for the right of self-government. In a word, true Americanism demands a foreign policy which shall at all times comport with the dignity of the Nation and the traditions of our people.

"In conclusion, I will only say it will be an auspicious day for the Republic when the American people shall bring to the consideration and determination of all public questions the high spirit of true Americanism, and, sinking every selfish interest, aim only to promote the well-being of all the people. When that time comes the American Republic will enter upon a new career of individual prosperity and National greatness."

From the beginning of Burrows' public career his interest in the subject of commerce was supreme. In his earlier speech on Foreign Mail Service¹ he shows a masterly knowledge of the mortifying situation caused by our National apathy, but he enlarged considerably on this subject in a speech which he made before the New York Chamber of Commerce on November 19, 1895:

¹ See Volume I, page 220.

"A review of the beginning and development of our commerce, both foreign and domestic," he said, presents one of the most interesting and instructive chapters in American history. Indeed, the question of trade is closely interwoven with our whole National life. It was the fruitful source of the unrest and final revolt of the colonies; it entered into, if it was not the inspiring cause of the Revolution; it wrought the overthrow and abandonment of the Confederation, and was a most potent factor in the formation and establishment of our National Constitution. A glance at the history of any one of these epochs will show conclusively how the question of trade entered into and influenced the public judgment, and shaped and dictated our public policy. Take as an example the era of the Confederation—the eight years of our history from 1781 to 1789. The scheme of government, as embodied in the Articles of Confederation, though declared by its projectors to be a bond of 'perpetual union' between the States, proved to be, during its continuance, a bond of perpetual discord. Such a result was but the natural outcome of a union which conferred on the general Government only the shadow of authority, while reserving to the State the very essence of all sovereignty. 'They may declare everything but they can do nothing,' aptly characterized the power of the Continental Congress under the Con-

federation. The wonder is, as has been well said, 'not that such a scheme of government should fail, but that it should have been capable even of a momentary existence.'

"But no defect was more glaring, or contributed more directly to the general disorder and final dissolution of the Confederation, than the withholding from the general Government exclusive jurisdiction over the subject of commerce, domestic and foreign, and leaving to the several States, each for itself, the adoption of such trade regulations as might seem best calculated to promote its own welfare, or advance its own selfish interests. The result was that each State, acting as a separate and independent nationality, negotiated such trade agreements with foreign nations, or imposed such restrictions on foreign commerce, as would best serve to advance its own ends, regardless of the well-being of others. If one State sought to replenish its treasury, or foster and encourage its domestic industries, by imposing a duty on imports, it was the signal for some other State to admit such imports on more favorable terms, or wholly relieve them from custom-house exactions. As a consequence, there grew up a body of trade regulations with each State and foreign nations as various as their conflicting interests and as numerous as the States. Not only this, but the States inaugurated a

commercial warfare among themselves, utterly destructive to their domestic trade. The commerce of one State destined for another was held up at the State line, and forced to pay tribute before crossing the border. Connecticut imposed heavier exactions upon the products of Massachusetts entering her markets than on British goods. And so, by these conflicting and hostile regulations of trade at home and abroad, not only was commerce crippled and destroyed, but a spirit of jealousy and commercial rivalry engendered which brought the States to the very verge of civil war. . . .

"There is a curious chapter in the diplomatic history of those times which serves to illustrate our impotency at home and humiliating attitude abroad. In 1785 the Continental Congress made an attempt to regulate commerce with foreign nations, and to that end appointed a Commission to enter into a commercial treaty with Great Britain, but at the very threshold of the negotiations the Commission was confronted with an inquiry as embarrassing as it was pertinent. The Duke of Dorset said: 'I have been instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested: whether you are merely commissioned by Congress, or whether you have received separate powers from the respective States. The apparent determination

of the respective States to regulate their own separate interests renders it absolutely necessary, toward forming a permanent system of commerce, that my Court should be informed how far the Commission can be duly authorized to enter into any agreement with Great Britain which it may not be in the power of any one of the States to render totally useless and ineffective.'

"In the light of this history it may be safely asserted that our National Government sprang from commercial necessity more than from any other single cause, or all other causes combined. Mr. Webster but declared the truth of history when he said: 'We may look at the debates in all the State conventions and expositions of all the greatest men in the country, and we shall find it everywhere held up as the main reason for the adoption of the Constitution that it would give the general Government the power to regulate commerce and trade.'

"After eight years of experience under the Confederation it is not surprising, therefore, to find the framers of the Constitution of 1787 stripping the States of all authority over the subject of Commerce, either with foreign nations or among themselves, and lodging it exclusively with one general supreme government. It is not surprising to find in that instrument, among the enumerated powers expressly con-

ferred on the National Government, the third in order, but second to none in importance, the power 'to regulate commerce with foreign nations and among the several States,' and then, as if to preclude the possibility of State interference, it is declared that 'no preference shall be given to any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duty in another.'

"By these provisions of the Constitution we see the whole power over commerce at last wisely committed to the control of one supreme Government, to be regulated by one authority and sheltered and defended under one flag.

"The Government of the United States promptly invoked the exercise of the powers thus conferred by proceeding to regulate by appropriate legislation our disordered foreign and domestic trade. This policy has been pursued from that time until the present, and to the exercise of this power we are indebted for whatever commercial advancement we have attained.

"The limit of the power thus conferred has probably never been reached or definitely determined. That it is supreme within the limits of the Constitution, and commensurate with the requirements of trade, is beyond doubt or controversy. That it can

follow our commerce through every avenue of traffic, whether on land or sea, guarding and protecting it with ceaseless vigil and unchallenged power, is established by an unbroken line of judicial determination and the unquestioned practice of the general Government. It reaches and controls not only the object of commerce, but exercises a supervisory care over all the instruments by which that commerce is carried on. For commerce is something more than trade. In answer to an attempt to limit commerce to buying or selling or an interchange of commodities, Chief Justice Marshall said, 'Commerce undoubtedly is traffic, but it is something more; it is intercourse, and is regulated by prescribing rules for carrying on that commerce.' It has been suggested, even, that it was a power broad enough to regulate the currency of the country, as 'a sound currency of universal and equal credit is essential to the enjoyment of the just advantages of intercourse between the States.'

"But be that as it may, it is a power sufficiently comprehensive to embrace not only the objects and instrumentalities of commerce, but to construct, oversee, and make safe the highways over which that commerce moves. To that end it constructs thoroughfares, digs canals, dredges rivers, deepens waterways, opens and improves harbors, establishes light-houses and harbors of refuge, marks the course of channels,

and contributes with a lavish hand to the promotion and safety of our carrying trade. Since 1821 more than \$250,000,000 has been expended in the improvement of rivers and harbors.

“The recent Act of Congress in authorizing and the President in appointing a Commission to examine and report on the feasibility of opening a deep water channel between the great lakes and the Atlantic Ocean, is but another and legitimate exercise of the power to regulate commerce with foreign nations and among the States.

“But in nothing was the wisdom of the fathers more clearly exemplified than in taking from the States all control over the subject of commerce, and lodging it exclusively in the National Government. This step was especially advantageous to the growth and development of our domestic trade. Touching inter-State commerce, it swept away State lines and opened a National highway stretching across the continent as broad as our domain, over which our domestic commerce might pass unshackled and unimpeded to the marts of trade. More than this. Not only is such commerce exempt from all State control, but it is not within the power of any individual or body of men to obstruct its passage or impede its progress. The Supreme Court of the United States, without a dissenting voice, speaking of the power of the National

Government over inter-State commerce, declared: 'Summing up our conclusions, we hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a Government of enumerated powers, it has within the limit of those powers all the attributes of sovereignty; that to it is committed power over inter-State commerce and the transmission of the mails; that the powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress, and that in the exercise of those powers it is competent for the Nation to remove all obstructions upon highways, natural or artificial, to the passage of inter-State commerce or to the carrying of the mails. The entire strength of the Nation may be used to enforce in any part of the land the full and free exercise of all National powers, and the security of all rights entrusted by the Constitution to its care. The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of inter-State commerce or the transmission or the transportation of the mails. If the emergency arises, the army of the Nation and all its militia are at the service of the Nation to compel obedience to its laws.'

"Under such protection, our commerce may flow

undisturbed, capital can rest secure in its investment, and labor confidently rely on employment and reward. With trade absolutely unshackled between the States, extending over a territory imperial in extent and inexhaustible in resources, populated by 70,000,000 people, the most industrious and aggressive under the sun, with innumerable avenues opening to every centre of industry and trade, is it any wonder that our domestic commerce has attained proportions which are the marvel of the age? . . .

“Fortunately, with this authority to regulate commerce among the States is coupled the no less important power to regulate trade with foreign nations. Upon the wise, comprehensive, and patriotic exercise of this latter power depends in no small degree the continued growth and prosperity of our domestic trade. It cannot be denied that our domestic commerce draws its chief nourishment from our domestic industries. You cannot impair the one without crippling the other. They are its life blood. You cannot stop the great heart-beat of our industrial life without carrying stagnation and death into every artery of trade. Close the mines of Lake Superior, abandon our forests, dry up the springs of our resources in the Northwest, and you may blow out the lights on the lakes, for your idle tonnage will rot at abandoned wharves. . . .

"It has been said of Great Britain that 'her home industries feed her commerce, and that it is those industries rather than her conquests that have caused her greatness.' Fortunately, we possess the power so to regulate our foreign trade as to insure the fullest possible development of all our resources, opening a copious and inexhaustible fountain of supply for our domestic commerce. If this supply shall exceed the demands of home consumption, let us find a way under reciprocity to secure foreign markets without impairing or surrendering our own."

During the past few years concerted effort has been made by the Government and by chambers of commerce to develop trade with South America, yet over twenty years ago Burrows was calling attention to its possibilities and urging its importance. In this, as in many other subjects of vital concern to the Nation, one cannot fail to be impressed by the far-sighted vision of Burrows' statesmanship. Had his suggestions been acted upon more promptly, his country would have profited immeasurably. At the close of the speech just quoted, Burrows referred thus to the South American trade:

"May we not profitably turn our attention to the 55,000,000 people on this hemisphere to the south of us, who, by reason of their proximity and similarity of institutions, are our natural allies in trade? It is

to be hoped the time is not far distant when the flag of our commerce shall be unfurled in every port of trade in Central and South America, when the feeble barrier between the two oceans shall give way to American enterprise and American capital, and a new highway of commerce open on the sea; when even an intercontinental railway shall penetrate to the very centres of South American trade, binding the republics of the western hemisphere in indissoluble bonds of commercial interest and unity. When that time comes, the Republic will enter upon a new and unexampled era of industrial prosperity and commercial prowess."

The speech from which the foregoing extracts are taken, attracted wide attention, and brought Senator Burrows many expressions of approval. None of these pleased him more than one from an old-time pupil:

From Colonel William R. Shafter

ANGEL ISLAND, CALIFORNIA,
October 15th, 1895

MY DEAR SENATOR BURROWS:

In the *Inter Ocean* of the 10th, I saw and read with great interest your remarks before the Marquette Club, and especially what you said in reference to the policy demanded at this time of protection to American industries, and I hope that the coming Congress will make and pass a tariff that shall absolutely pro-

tect every manufacture that is subject to foreign competition, whether it is vetoed or not. It is said that this coast feels the recent Tariff legislation less than anywhere else. If this is so, I pity the Eastern and Middle States. Two among the greatest industries of this State are just existing, sugar and wool. The latter is absolutely ruined. The wool barely pays expenses, and the sheep running on public domain at that.

I have not, heretofore, congratulated you on your election as Senator, but am very glad to do so now. In the Spring of '61, when I was going to school to you at Gull Corners,¹ how little we thought or dreamed of the changes which would come with years! Yours have been full of labor, and you are now, in the honorable position you hold, reaping the just reward.

I hope we shall have the pleasure of seeing you out here during the coming campaign. It looks like a walk-over for the Republican nominee, but we all thought that when Estee was defeated for Governor, and should complications arise with England, every Irishman in California will vote for the man that brings them about.

Remember me kindly to friends in Kalamazoo, and
believe me Most Sincerely Yours,

WILLIAM R. SHAFTER.

Colonel 1st Infantry

¹ Prairie Seminary, at Richland, Michigan.

Just as the McKinley Bill forced the Republican Party out of power in 1892, so the Wilson Bill swept it back into its old position of prestige in 1896. McKinley and Hobart were nominated in the Republican Convention at St. Louis on June 16, 1896, and this Convention marks the climax of the systematized control of the Republican Party by the "bosses," Platt, Hanna, and Quay. It may be said that the reaction which resulted from this business-like appropriation of a National Party by a few men through their political influence as overlords was responsible for the later system of direct primaries adopted as an effort to place the power back into the hands of the people.

The issue of the campaign now shifted from the Tariff, which had dominated the country for a period of eight years, to the question of Currency, one wing of the Democrats nominating William J. Bryan of Nebraska and declaring for free coinage of silver, the sound money Democrats selecting J. U. Palmer of Illinois as their standard bearer. After an exciting campaign, the Republicans won with a majority of ninety-five electoral votes and 600,000 in the popular vote. Burrows threw himself actively into the campaign, during which he severely arraigned the Democratic Administration. "How about wages?" he asked. "Gone up? Yes, completely. When did

we ever before see in this country soup-houses for the feeding of idle and impoverished workmen? Only in 1857, and then under a brief reign of Free Trade. Now there are two million men on the street, vainly seeking for employment from which they may feed their helpless families. They are too honest to steal, too peaceable to create riot, have too much self-respect to ask charity, yet are compelled in grief and shame to accept it. Our foreign trade is gone, our domestic commerce is gone, and the black pall of disaster and woe and death is over the whole of our domain."

In another address he summed up his remarks as follows:

"Lincoln said, 'With firmness in the right as God gives us to see the right, let us strive on to finish the work we are in.' Let us here tonight renew that pledge. The work begun by the Republican Party forty years ago, and for which Lincoln offered up his life, will not be 'finished' until the ballot-box shall cease to be a device for political jugglery, and shall faithfully register the will of the people; until protection to American industry shall be re-established as the settled policy of the Government, and the American market to the American producer; until our workmen shall be secured in their employment from unjust foreign competition, and American wages re-established."

lished; until our system of taxation shall be such as to secure sufficient revenue to defray the expenses of government without increasing our indebtedness; until the currency of the Nation, of gold, silver, and paper, shall be placed beyond the possibility of debasement, and that the credit of the Nation shall be reëstablished upon an enduring basis. To the consummation of these high ends let us dedicate ourselves for the great conflict of 1896, and, 'having chosen our course, let us go forward without fear and with manly hearts.' "

Burrows was strongly in favor of a free Cuba. In view of later action taken by the United States, it is interesting to read the statement of his own convictions as expressed in answer to an inquiry from the *Chicago Tribune* (September, 1895), and to compare these with the final action which was taken after months of deliberation:

"I should be glad to see Cuba free," he declared. "It ought to be free from any European domination. Its people ought not longer to be misgoverned in the interests of a transatlantic monarchy. The present heroic struggle of this people for freedom cannot be and ought not to be regarded with indifference by the people of the United States. But while our sympathies are naturally with this struggling people, we cannot properly do or permit to be done anything

which contravenes those rules which the comity of nations has established and approved.

“Within these limits I venture to suggest the following as appropriate action on the part of the United States:

“1st. An immediate tender on the part of the President of the United States of our good offices in order to bring the unhappy conflict now going on in Cuba to a termination.

“2d. Simultaneously with this act, whether our good offices are accepted or refused, the Executive should recognize the insurgency of a portion of the island; and

“3d. Possessed of all the necessary information, the Executive, so soon as conditions will warrant, should recognize the belligerency of Cuba.

“All these several steps are well recognized and orderly procedure under international law.

“In 1869, during a previous revolution in Cuba, President Grant in his annual message to Congress said: ‘The United States, in order to put a stop to bloodshed in Cuba, and in the interest of a neighboring people, proposed its good offices to bring the existing conflict to a termination. The offer not being accepted by Spain on a basis which we believed could be received by Cuba, was withdrawn. It is hoped the good offices of the United States may yet

prove advantageous for the settlement of this unhappy strife.'

"There are many other precedents for this course, and such action would be in the direct and uniform line of our National policy. It is to be regretted that President Cleveland has not already taken this step.

"Another course to pursue is to recognize their insurgency. This can be done at once. It does not imply recognition of belligerency, neither would it give the insurgents international rights, nor bring upon us inconvenient international obligations. This step is now fully warranted, and has been for some time past. By such an act we apply to Spain and the insurgents the rule of non-intervention in foreign disturbances, on which our whole system of extra-territorial policy rests. Recognized insurgency would be attended with refusal to aid in suppression of the insurrection, and refusal to deliver up those concerned in it who might take refuge on our shores. Thus far we can go at once with entire propriety. Such a step would not, possibly, be of much assistance to Cuba in her struggle for freedom, but it is a status already earned, and which we can properly recognize without prejudicing ourselves in the eyes of other nations.

"Recognition of belligerency is a far more important step. It is the settled basis of international law

that such recognition should not be given until an insurrection has attained some degree of permanency, and stands on something like a parity with the Government it assails. It should have a port through which to communicate with other nations, and some provisional form of government best adapted to the emergency in which it finds itself.

“Every sovereign power will, however, decide for itself on its own responsibility the question whether it will or not at a given time accord the state of belligerency to the insurgent subjects of another power. The rightfulness of such an act depends on the occasion and the circumstances. Like the sovereign act of war it should be deliberate, reasonable, and just. Anything beyond would be regarded as an act of hostility to a friendly power. By open revolt and repeated battles, however, the insurgents may have acquired such a consistency of military power as to constitute the fact of belligerency and justify the act of recognition, or the proximity of the seat of hostilities to the neutral power may compel the latter to act, however inconvenient or distasteful this may be to the legitimate Government. A civil war, to use liberally the words of a distinguished jurist, is never solemnly declared. It becomes such by its accidents. When the party in rebellion occupy and hold in a hostile manner a certain portion of their territory; when they

have declared their independence, organized armies, and commenced hostilities against their former sovereign, the world acknowledges them as belligerents and the contest as a war.

“Whether or not affairs in Cuba have reached this stage and are such as warrant the recognition of belligerency is a question first for the Executive and later for the Congress to determine.”

When the destruction of the *Maine* forced the country to take a definite position, Burrows made good his earlier declarations. Speaking in favor of the Bill before the House to authorize the President to employ the military and naval forces of the United States to compel Spain to relinquish its authority and government in Cuba, he said (April 16, 1898):

“I am for intervention, and I agree with the President in his recommendation because I believe that to be a step sanctioned by precedent and the practice of nations, and will bring to us the approving judgment of all the nations of Christendom. More than that, I believe in it because it is sure to accomplish independence for the people of Cuba—the great end desired by all—and establish for them a free and stable government.

“Intervention, too, is a peaceful instrumentality. Its very name ‘intervention,’ ‘to come between,’ is the essence of peace. Such a step is not a hostile act,

unless one of the parties to the contest shall see fit so to regard it. It is proposed to enter the Island of Cuba with the armed forces of the United States for the purpose of restoring order on the one hand, while ministering with the other the necessities of life to her starving people. If Spain should resist our efforts in this regard she herself would become the aggressor, and in such a conflict she would lose the sympathy and support of the Christian world.

“It would, therefore, in case of intervention, be peace or war as she might prefer. That she would resist our efforts is undoubtedly true, and the issue would then be made up between Spain and the United States, and the military forces of the United States would be compelled, in the interest of peace, good government, and humanity, to prosecute the contest until Spain should yield her sovereignty in that island. This much accomplished, is it not plain that the way to independence for the Cuban people would be speedily opened?

“Having expelled from the island one of the contending parties and restored peace, so far as that party is concerned, there would be nothing remaining for the United States to do but to say to the insurgents and the inhabitants of Cuba, ‘You, too, must keep the peace, restore order in this island, return to your farms, rebuild your homes under a Government of

your own choice,' and when this shall be accomplished, and the Republic of Cuba becomes a sovereignty in fact as well as in name, peace and order restored, the United States Government will withdraw her forces and welcome into the family of nations the Republic of Cuba.

"We will have thus accomplished the desire of her people and escaped the criticism and secured the approving judgment of the world. With this end in view, I shall cheerfully vote for the recommendation of the President to be clothed with power to intervene in the Island of Cuba with the land and naval forces of the United States, to the end that a stable Government may be formed within her borders by her own people, capable of establishing and maintaining peace at home, and assuming the obligations of international life. To the consummation of this high purpose we ought to move with united effort. There should be no discordant notes.

"As we opened our Treasury to feed the Cuban poor, and without a dissenting vote expressed our confidence in the Executive by placing \$50,000,000 in his hands to enable him to prepare for National defense, let us not now, when the supreme moment for action comes and we are ready, weaken our cause by divided council. Unity of action now is worth a hundred battleships and unnumbered legions.

MICHIGAN'S GOVERNOR HAD TO SURRENDER.



A Waterloo That Goes Hard With Mr. Pingree.

NEWSPAPER CARTOON

1896

Neither Party spirit nor personal ambition should find a place in this high transaction. They belong to other times and other occasions. Let us sustain the Executive and the Army and Navy under his command as they move forward on land and sea to establish peace, order, and good government in the Island of Cuba, and set her star in the galaxy of nations."

In the Fall of 1896 Burrows stood for reëlection to the Senate, his short term expiring on March 4, 1897. He had failed to be sufficiently amenable to the control of the State Republican machine to prove acceptable, and Governor Pingree and his supporters made every effort to prevent his renomination. It was a significant compliment to Burrows that when the Legislature met the efforts on the part of the opposition in his own Party proved wholly abortive, and that he should have received the nomination by acclamation.

McKinley won a decisive victory over the disorganized Democratic Party, and early in 1897 Burrows found himself involved in the agitation over the new President's selection of the Hon. Russell A. Alger for the portfolio of War in his cabinet. As a Michigan man, Burrows was distinctly interested in having his State thus represented, and when the attacks upon Alger's military record became so virulent as to brand them as of political origin, Burrows was still further actuated by his inborn love of fair play. The inti-

macy which existed between McKinley and Burrows made it natural for the burden of investigation and recommendation to be placed upon the latter's shoulders, and he entered fully and minutely upon his duties. Alger sent him his own statement as follows:

From General Russell A. Alger

PERSONAL, Jan. 18th, 1897

MY DEAR SENATOR BURROWS:

I enclose you copy of War Records sent me from the Adjutant General's office at the time of the attack upon my record by the *Sun*. So far as that act which caused the attack was concerned, at the battle of Shepherdstown I covered the rear of the Cavalry Division from a terrible assault in fording the Potomac. We had a terrific day, and I had been sick for three or four days, having been run down by a bowel trouble. We marched down to Harper's Ferry, I riding in an ambulance that night, and the next day, when the command marched up the valley, I was unable to sit up. I did not know it was marching away; in fact, I was not able to do anything,—and when the train was sent with the sick to Annapolis, I was put aboard by the order of the Brigade Surgeon, Dr. Wooster, and his affidavit to that effect is on file in the War Department.

This attack must have been made for political pur-

poses that I know nothing of,—the *Sun* winding up by saying that I was *dismissed* from the service, when the first I ever heard of it was in 1888, twenty-four years afterward, and Generals Sheridan, Torbert, and Custer were all dead. However, the resignation being accepted, and I honorably discharged, of course refuted it all.

So far as Mr. Dana is concerned, when I answered Senator Sherman's book (in which he attacked my friends and not me) for the alleged purchase of delegates in 1888, the *Sun* published my letter and a very strong editorial, saying I had been vindicated, and spoke in the highest terms of me; for which I thanked Mr. Dana in person at the Jay Banquet in New York, which I attended later. This was the first time I had ever seen Mr. Dana.

The day before I sailed for Europe this last time, a few weeks ago, the *Sun* had a little squib, the purport of which was that my military record had lost none of its strength by the newspaper correspondents, or something of that kind,—just enough to annoy me; and, being in New York, I spoke to Senator Platt about it. He said that these nagging articles were an outrage, and should not be repeated. He said he would see Mr. Dana. Of course there was not much of it, but just enough to annoy one. I started up from his office to the Hudson River Pulp & Paper

Co. office in the Times Building, and just as I got to the Times Building it occurred to me that I could go and see Mr. Dana myself. I walked in and met him in the front office. He asked me into his office, and I spoke to him about the article. He said there was no reason why the *Sun* should nag me, and that it should not be repeated. He then spoke of his own military experience, and of my service in the army very warmly, and we parted, he thanking me for coming in. I told him frankly that Senator Platt would come and see him about it. He said in reply, "I am very fond of Senator Platt, and will be glad to see him at any time; but he need not come on this account."

On my way to Europe, I happened to sit at the Captain's table next to Mr. Laffin, the second man and a joint owner of the *Sun*. We had a very pleasant trip. I send herewith some copies of my war record as forwarded to me from the Adjutant's office. I also send some correspondence with General Sheridan, who was always my friend, and who, I believe, had entirely forgotten the army episode; certainly he would not have accepted ten thousand dollars from me, and visited me in my home as he did, if it had been otherwise, nor should I have done anything until he had straightened matters if I had known it in his life. I also enclose letter from General Custer, which

shows our personal relations somewhat, only General Custer and I had had a bit of a rumpus, he having given to another regiment the credit of capturing a large number of prisoners that I captured in the valley. I feel a bit humiliated from this matter, although the record I send I am of course very proud of. Humiliated that it should be questioned, if it is. These letters are priceless, cannot be replaced you will understand. Will you please be sure and see that nothing shall come to them, and that they are forwarded back to me soon?

So far as my letters to President-elect McKinley before the Convention are concerned, if my stenographer has time I will forward copies of them today; if not, I will forward them to you care of Major McKinley at Canton tomorrow.

Written on reverse of letter by General Alger

This is a very hastily written letter, and constantly interrupted—so excuse the lack of continuity.

I ran onto an old letter from A. A. General R. O. Selfridge, which also please preserve.

Presume you will not read all I send. The \$10,000 was sent General Sheridan as a gift, he saying he would like some life insurance, but was not able to pay the premium out of his salary. I gave him this money upon his agreement to take out \$15,000,

and keep up the premium out of his salary after collecting the interest on his \$10,000, which he did; so Mr. Sheridan had \$25,000 on that a/c, and *has now.*

A.

Platt, true to his promise to Alger, had his interview with Dana:

From Senator Thomas C. Platt

PERSONAL. 49 Broadway, New York,
Jan. 18, 1897

Hon. JULIUS C. BURROWS,

U. S. Senate, Washington, D. C.

MY DEAR SENATOR:

I have just returned from an interview with the Honorable Charles A. Dana, which was entirely satisfactory as to the matter you brought to my attention yesterday. You can rely upon it, and so say to President-elect McKinley, that if he should see fit to place Hon. Russell A. Alger in his Cabinet, there will be no unfriendly action taken by the *Sun* in opposition to his appointment, or to his official conduct of the office. It was decided that it would not be necessary or proper for Mr. Dana to make a personal statement in writing to that effect. This, of course, you must consider confidential, except that you can show it to Major McKinley.

After a thorough investigation Burrows reported to

President McKinley: "There is nothing in Alger's record which is not entirely praiseworthy, and I will guarantee to defend him against any possible assault on his record."

The appointment was made, and had it not been for the unusual conditions of the next two years, Alger would undoubtedly have filled the portfolio with credit to himself and his sponsors. The Spanish War, however, found the Department in a condition of supine unpreparedness, and although this was the accumulated result of thirty-three years of indifference to possible National difficulties, a scape-goat had to be found, and this proved to be the luckless Secretary of War. While Burrows was criticized in some quarters for being a party to his appointment, the President always made it clear that the Senator's responsibility rested only on his report as to Alger's military record, which by this time had passed out of mind in the light of the failure of the War Department to meet the demands so unexpectedly placed upon it, and the public clamor which arose as a result.

McKinley was inaugurated March 4, 1897, and the Fifty-fifth Congress was at once called in extra session to take under consideration the question of National finances. Nominally, there were Republican majorities in both Houses, but the Senate stood for Free Silver while the House was for Sound Money.

Both Houses, however, stood for Protection, and steps were at once taken to exchange the Wilson Bill for a definitely protective measure, and one which would contribute additional revenue, which now became needed.

This measure, which became known as the Dingley Bill from the fact that Nelson Dingley, Jr., of Maine, Chairman of the Committee on Ways and Means, introduced it, had really been prepared in the Fifty-fourth Congress, where it had received long and careful deliberations and many public hearings. Reed was again Speaker, and under the so-called "Reed rule," which by this time was accepted by both Parties, the Bill was passed through the House with extraordinary promptness. It was then referred to the Committee on Finance in the Senate, of which Burrows was at this time a member, having taken John Sherman's position. Senator Nelson W. Aldrich of Rhode Island was Chairman. The Bill was originally intended to make the tariff lower than the rates imposed by the McKinley Act of 1890, but it finally emerged from the Senate with higher duties than any tariff of earlier date. This was due to the fact that the balance of power was held by the Silver Senators, and concessions had to be made in the form of higher duties in order to secure their support. If the Dingley Tariff Bill had been given to the country

in 1890, or in 1894, it is doubtful whether any political Party could have survived its effect at the polls, but by 1897 the public mind had shifted from the Tariff problem, business throughout the country was prosperous, and the people paid little attention to what had been an all-absorbing problem but a few years before.

Burrows' contribution to the Bill had been of a constructive nature during the last months of his service in the House as a member of the Committee on Ways and Means. When presented in the Senate, he took little part in the discussion except to insist upon the protection of the lumber industry, which was threatened in the discussion. He was satisfied that the Bill as it stood, even with imperfections which he recognized, incorporated the stronger elements of the McKinley Act, and that its adoption marked the end of Free Trade controversy.

“The sun that sets today,” he said, “over the grave of Free Trade, will rise tomorrow upon the resurrection of a new industrial life. The country is to be congratulated that the English policy is to be abandoned, and that the American system of Protection is to be reestablished. I confidently hope and believe that this measure will bring back to the country and all its people a new era of individual and National prosperity.”

The Dingley Tariff Act of 1897 stood upon the Statute books for twelve years, showing how completely the people had been drawn away from this subject by their interest in other matters. From time to time there were fitful suggestions of possible changes, but these were quickly silenced by those in control of the Party. In 1892, Burrows expressed the continued position of the Party fully when he said, "If there is to be any tariff revision it would be only fair to have an early understanding as to the Republican policy regarding it. To the business interests of the country it is more important to know when the thing is to be done than what is to be done, assuming that the task is to be undertaken by Republicans. While I have been generally rated among those who believe in letting well enough alone, I hold that any members of Congress elected distinctly upon the promise to support tariff revision should not only do so, but that they also owe it to the other members to let them know soon what their plan is."

Senator Burrows, during the Fifty-fifth Congress, made eight speeches on the Dingley Bill, and was one of the conferees on the part of the Senate when the Bill was sent to conference.

At this time the Cuban question was uppermost in men's minds. The destruction of the United States battleship *Maine* had turned diplomatic negotia-

tions which were nearly successful into an actual declaration of war against Spain. This war proved to be much more far-reaching in its National and international effect than its importance as a military and naval event would warrant. Spain, with its antiquated resources, was clearly out-classed by the superior forces of the United States, and the war itself was brief and decisive. For the first time, however, other nations were forced to recognize the United States as a power to be considered in world questions, and the assumption on the part of the United States of colonial responsibilities introduced new elements to the questions of government which involved more delicately than ever before all international relations. Burrows took a leading part in the deliberations and legislation passing through the Senate during these critical years, and although his name does not appear as prominently in the foreground as during his service in the House, this is due to the fact that a man's work in the Senate is always less dramatic than in the Lower House. The great work of every Senator is in committee rather than upon the floor,—a fact which is sometimes not realized in considering the life history of a man who has served in both branches of the Congress.

CHAPTER IV

AS INTERPRETER OF THE CONSTITUTION— THE QUAY CASE. 1900

THE successful fight which Burrows made to prevent ex-Senator Matthew S. Quay of Pennsylvania from being illegally re-seated in the United States Senate, constitutes one of the most dramatic and interesting events of his public life. There were many reasons why the position taken by Burrows reflects particular credit upon his character: first of all, Quay was a warm personal friend, in spite of the fact that his political methods were diametrically opposed to those of the Michigan Senator; second, to oppose Quay meant to incur the hostility of powerful political influences; and third, it gave undesirable publicity to one of the most notoriously unsavory elements in the Republican Party. We have seen Burrows' devotion to his Party and his loyalty to its principles. We have also seen his conviction that when necessary the Party should be cleansed from within. The Quay case was a striking exemplification of his creed, as he showed no hesitation, when it became necessary, to exert his best efforts to clean out the Augean stables.

Burrows' attitude rested wholly upon the constitutional point of view. He maintained that whatever the personal qualifications or disqualifications of the appointee of the Governor of Pennsylvania, these could not properly enter into a discussion of his right to a seat in the Senate. The sole issue was the legality of that appointment in the light of an intelligent and reasonable interpretation of the Constitution.

The speech made by Burrows near the close of the debate produced a profound impression, not only upon its hearers but upon the country at large. The *Philadelphia Ledger*, commenting upon it, said (April 13, 1900): "Ordinarily when a speech is read in the Senate it fails to hold Senators in their seats, no matter how great the merits of the composition; but in this case it was a pleasing and forceful declamation rather than a perfunctory reading. . . . The speech is admittedly the most exhaustive and forceful presentation of the matter in contention ever presented to the Senate." The *North American* said, more at length (April 12, 1900): "There was delivered in the Senate today a speech which, unless justice and reason are to give way to mere personal feeling and favoritism, should make it certain that Matthew S. Quay will not be admitted to that body on the appointment of the Governor of Pennsylvania. Senator Burrows, of Michigan, was its author, and no more sub-

stantial testimony as to its character could be advanced than that he had the rapt attention of the Senate during the three hours which he spoke. Strange to say, his most earnest listeners were those Senators who are counted among the most uncompromising friends of Mr. Quay. However they may cast their votes on the question of Mr. Quay's admission, they could not withhold their admiration for the able, and, as Senator Davis remarked afterwards, 'absolutely unanswerable argument' of the Michigan statesman.

"Mr. Davis was the first to grasp Mr. Burrows' hand in congratulation, and he was closely followed by Senators Fairbanks, McMillan, Bard, Perkins, Cullom, and even Chandler—unalterable as is his championship of Mr. Quay. In fact, the speaker's effort received such a general and generous acknowledgment as is seldom witnessed in the Senate. Mr. Burrows was not in the slightest sensational or flighty. It was facts he dealt in—hard and indisputable facts, —but his arrangement and presentation of them were most effective."

The case itself is nowhere more simply or clearly stated than by Burrows himself in the speech to which reference is made. The extracts which follow show Burrows as the lawyer, painstaking in his investigations and conscientious in his conclusions; as the

orator, skilled in his knowledge of people, and cleverly leading them by his very simplicity of statement to arrive at his own viewpoint; as the statesman, placing loyalty to principle above personal friendship or personal expediency:

“It is never a pleasant duty,” he said at the outset, “for one to differ with any considerable number of his Party associates, especially upon a measure of Party policy; but when the question in controversy is not, or at least ought not to be, in any sense a Party issue, but is entirely dependent upon the higher consideration of constitutional construction, the embarrassment largely disappears. My views upon questions of this character have not been hastily formed nor now for the first time publicly expressed.

“Two years ago Henry W. Corbett presented a letter from the Governor of the State of Oregon commissioning him to a seat in this Chamber, made vacant by the expiration of the term of Senator Mitchell. The right of the Executive to make such appointment was questioned by the Senate, the oath of office withheld, and the matter referred to the Committee on Privileges and Elections. As an humble member of that Committee it became my duty at that time, with other members of the Committee, to examine the question, and, as the result of such examination, I was forced to the conclusion that the power of appoint-

ment in that case was not lodged with the Executive, and a majority of the Committee so reported. The Senate sustained that report by a vote of fifty to nineteen. Since that time I have seen nothing to cause me to reverse my judgment; further examination has served rather to strengthen and confirm it. The material facts in this case are the same as in that. The Constitution is the same. The precedents are the same. The only change is in the name of the party seeking admission to the Senate. Then it was ex-Senator Corbett; now it is ex-Senator Quay. A change of Parties certainly ought not to, and I am confident will not, produce a change of convictions.

"The issue in this controversy is circumscribed within very narrow limits. It is solely a question of constitutional construction. The facts are not in dispute. By the Constitution of the United States it is provided that—

" 'The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; . . . and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.'

"A recital of the facts in this case, in connection

with the foregoing provisions of the Constitution, will disclose the exact question involved. In 1893 the Legislature of the State of Pennsylvania elected Matthew S. Quay a Senator for the full term of six years from the 4th of March, 1893. He accepted and held such office until the expiration of the term, March 3, 1899. The Legislature failed to elect his successor, and as a consequence such office became vacant on the 4th of March, 1899. The Legislature was in session, however, at the time such vacancy occurred, and had been since the 2nd of January previous, and continued in session until the 20th of April, 1899, when it adjourned *sine die* without electing a successor to Senator Quay for the succeeding term of six years. Thereafter, and on the 21st of April, 1899, the Governor of the State appointed and commissioned Matthew S. Quay to hold the office of Senator 'until the next meeting of the Legislature,' invoking as his authority for such action the provision of the Constitution already quoted. . . .

"The commission by virtue of which Mr. Quay asks to be admitted to the membership of this body was, upon its presentation to the Senate, referred to the Committee on Privileges and Elections 'for preliminary examination and report. That Committee, after full consideration and argument by counsel on either side, report—

“That the Hon. Matthew S. Quay is not entitled to take a seat in this body as a Senator from the State of Pennsylvania.”

“That report, together with the views of the minority, is now submitted to the Senate for its considerate judgment and final action.

“The sole question, therefore, presented for the consideration of the Senate, is whether this vacancy, occurring on the 4th of March, 1899, in the manner stated, and when the Legislature was in session, is such a vacancy within the meaning of the Constitution as the Governor of the State could supply by temporary appointment. If it is, then the right of Mr. Quay to a seat in this body, by virtue of the Governor’s commission, is unquestioned and unquestionable. If it is not, then such appointment is wholly without authority of law, and the commission issued in pursuance thereof utterly null and void. This is the only controversy, and to its consideration I invoke the serious attention of the Senate.

“The question is one which ought, and I am sure will, command the deliberate and unbiased judgment of every Senator, involving, as it does, not only the claim of a citizen to membership in this body, which is of course of some moment to the individual, but, above that, it involves the right of a State to representation in the Senate in conformity with the Con-

stitution and laws of the United States; and, higher and beyond all this, it is a question of supreme moment to all the people of all the States that this great council of States shall have within its membership those, and only those, who bear credentials of unquestioned authority. To admit others, for personal or partisan reasons, would degrade this body to the level of a political caucus, shake public confidence, bring the Senate into contempt, and inflict a blow upon representative government from which it could not readily recover.

“The gravity of the issue is augmented by the further consideration that the framers of the Constitution, wisely or unwisely, left its determination to the Senate itself, from whose judgment, right or wrong, there lies no appeal except to that court of last resort, the sovereign people, in whose hands is lodged the supreme power to make or modify constitutions, when in their judgment they become subversive of popular government. The responsibility of determining this question, therefore, is imposed upon us, which we can neither avoid nor disregard. . . .

“I confess to some astonishment when the Senator from Colorado (Mr. Wolcott) the other day appealed to the ‘friends of Mr. Quay’ to come to his assistance, as if this was a personal contest to be decided, not upon high constitutional grounds, but upon the per-

sonal likes or dislikes of the individual membership of this body. I confess this has not been my view of the contest, nor my conception of the character of this tribunal, and I acquit the Senator from Colorado of any design to divert the attention of the Senate from the real issue, and attribute his impassioned speech to his generous impulses, which, however commendable and praiseworthy, will, I am sure, not warp his judgment; for, while generous, I know him also to be just. . . .

“Such considerations have no place in this controversy and before this august tribunal. Divested, therefore, of every improper influence, we can approach the consideration of this case with the satisfaction of knowing that, whatever the result may be, the judgment rendered will be untainted by suspicion of unworthy motives, and we can rest in the consciousness that we have discharged a great public duty, preserved the rights of the States, and the ancient dignity and integrity of the Senate.

“Proceeding, then, to the consideration of the exact issue involved, let me again direct the attention of the Senate to the wording of the constitutional provision in controversy:

“ ‘If vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments

until the next meeting of the Legislature, which shall then fill such vacancies.'

"The language employed is so clear, simple, and direct, the wonder to my mind is that there should ever have been any contention as to its import. If the rule laid down by Judge Story applicable to the construction of constitutions be applied to this provision, what room can there be for doubt or question as to its true meaning? Judge Story says:

"Every word employed in the Constitution is to be expounded in its plain, obvious, and common-sense meaning, unless the context furnishes some ground to control, qualify, or enlarge it. Constitutions are not designed for metaphysical or logical subtleties, for niceties of expression, for critical propriety, for elaborate shades of meaning, or for the exercise of philosophical acuteness or judicial research. They are instruments of a practical nature, founded on the common business of human life, adapted to common wants, designed for common use, and fitted for common understandings. The people make them; the people adopt them; the people must be supposed to read them, with the help of common-sense, and cannot be presumed to admit in them any recondite meaning or any extraordinary gloss."¹

"In the light of this rule of construction, I confess

¹ I Story, page 392.

it is difficult for me to comprehend how any serious difference of opinion could possibly have arisen as to the significance of the words employed; and yet it is a fact that a sharp contention is now made as to the true intent and meaning of the provision in question. These antagonistic opinions are set forth at length in the report of the Committee and the views of the minority submitted in this case, from which the exact points of difference are made to appear. They may be summarized as follows:

“On the one hand, it is contended (and this is the view of the majority of the Committee) that the vacancy to which the Governor can make temporary appointment must be a vacancy, in the language of the Constitution, that ‘happens during the recess of the Legislature,’ meaning thereby that it must be a vacancy having its beginning, its inception, during the time and when the Legislature *is not in session*; and that vacancy occurring when the Legislature *is in session*, as was the fact in this case, is not such a vacancy as the Governor of the State can supply by temporary appointment; and further, that the vacancy which the Governor can supply must not only ‘happen during the recess of the Legislature,’ but it must occur, in the language of the Constitution, by ‘resignation or otherwise,’—meaning by ‘otherwise’ some

like unforeseen event against which human foresight can not provide.

“On the other hand, it is insisted (and this is the contention of the minority) that the expression ‘happen during the recess’ does not mean that the vacancy must actually ‘happen,’ or come into existence, have its inception ‘during the recess,’ but the true intent and meaning is that if a vacancy ‘happen’ to *exist* in recess, though it had its inception and beginning when the Legislature was in session, yet, upon the adjournment of the Legislature, such a vacancy becomes a vacancy ‘happening during the recess,’ within the meaning of the Constitution, which the Executive of the State can supply by temporary appointment; and that the expression by ‘resignation or otherwise’ embraces all conceivable vacancies from whatever cause, and that therefore it follows, whenever the Executive finds a vacancy existing for any cause and the Legislature is not in session at the time, he may make temporary appointment to such vacancy until the next meeting of the Legislature. I think I have stated accurately the exact issue.

“These are the conflicting views held in relation to the provision now under consideration, and which must be passed upon by the Senate.

“We might very properly refrain from entering

into an elaborate discussion of these conflicting views as to the meaning of the words 'happen' or 'otherwise,' as used in the provision under controversy, for the reason that however this contention might be settled, whether 'happen' means 'existing' and 'likewise' means 'anywise,' or 'in session' means 'during recess,' yet, so far as this case is concerned, it is a matter of utter indifference what construction is to be put upon these words if the Senate is to have the slightest regard for its own precedents, as it is the established rule of the Senate, founded upon an unbroken line of decisions,—from the foundation of the Government until this hour,—that the Governor of a State has no authority to make temporary appointment to a vacancy in this body which occurred when the Legislature was in session, or, since the Lanman case in 1825, where the Legislature had the opportunity to fill the vacancy either before or after the occurrence of the vacancy. This is the established rule, from which there has been no departure, and it is impossible to admit Mr. Quay without reversing the action of the Senate from the hour of its organization. If Mr. Quay is admitted, it will be the first time in the history of the Senate of the United States that the right has been accorded the Governor of a State to make temporary appointment to a vacancy which happened when the Legislature was in session, and declined or failed to fill it.

If this be true, it ought to be decisive of this case and end the controversy. . . .

“It will be observed that in supplying vacancies in the Senate a different and more elaborate machinery is provided than that employed for the filling of vacancies in the House. It might have been provided, as in the House, where the Executive of the State is required to ‘issue writs of election to fill vacancies,’ that, upon the occurrence of a vacancy in the Senate during the recess of the Legislature of the State, the Executive shall issue his proclamation convening the State Legislature—the elective body of the Senate—in extraordinary session for the purpose of filling such vacancy. That would conform to the method prescribed for filling vacancies in the House. But this power is now possessed by the Executive of the State, and can always be invoked whenever the occasion for its exercise may arise. But it was seen that summoning the State Legislature whenever and as often as vacancies might occur in the Senate would be attended with inconvenience to the members of the State Legislature, and unnecessary expense to the State. The calling together from every part of the State the membership of the State Legislature to fill vacancies which might occur when the Legislature was not in session, was avoided by the provision of the Constitution already cited. . . .

“When, therefore, Senator Quay’s term expired on the 4th of March, 1899, it was the right and the duty of the Legislature of the State of Pennsylvania, then in session, to choose his successor for the full term of six years. This was the express mandate of the Constitution. . . .

“The Legislature of Pennsylvania, therefore, in session on the 4th of March, 1899, at the time the vacancy occurred in this case, was, in the language of the Act of 1866, *the* Legislature ‘chosen next preceding the expiration of the term for which’ Senator Quay was elected. This particular Legislature, therefore, in session on the 4th of March, 1899, and remaining in continuous session until the 20th of April, 1899, was resting under the double mandate of the Constitution and the law to elect a Senator for the full term of six years, and, as I said before, no other power was authorized to perform this duty. It failed to discharge that constitutional and legal obligation, and on the 20th day of April, 1899, adjourned without day, leaving the office of United States Senator vacant. It is the vacancy thus created which the Governor of the State of Pennsylvania attempts to supply by a temporary appointment, invoking as his authority the constitutional provision already cited.

“This is the storm center around which the entire controversy rages. To this point, therefore, I direct the attention of the Senate.

“That the Executive of a State has the power, under certain circumstances and conditions, to make temporary appointments of United States Senators is not denied, but the extent of such power is the only matter in controversy. The Executive is empowered to make temporary appointments *under certain restrictions and limitations*, clearly set forth and defined. He has no authority, however, to supply all vacancies unless the construction contended for by the minority shall prevail. That power was expressly withheld by the Convention that framed the Constitution. . . .

“What are the express conditions, then, which must preëxist before the Executive of the State can exercise the power of temporary appointment?

“*First.* A vacancy must happen;

“*Second.* It must happen during a recess; and

“*Third.* It must happen by resignation, or otherwise.

“Only when these three things occur and coëxist can the Executive of a State exercise the power of temporary appointment.

“This, I suppose, will be conceded, and I respectfully submit that not one of these conditions, in the

plain reading of the Constitution, existed when the Governor of Pennsylvania sought to commission Mr. Quay a Senator from that State." . . .

At this point Burrows gave an array of authorities and quotations bearing upon the exact purpose and meaning of the framers of the Constitution in the employment of language relating to making temporary appointments when vacancies happen; the interpretation placed upon that language by the framers themselves and by some of the most distinguished lawyers who have occupied seats in the Senate; the uniform action of the Senate itself when called upon to decide similar cases; the strength of the arguments by which all these several important factors were presented and enforced, and the danger that threatened from a radical departure from the precedents of more than a century. He was especially strong in his citation of the opinions of constitutional authorities against the seating of Mr. Quay. Burrows had a most striking way of introducing those whose words he was going to quote. After pronouncing the name, he would pause for a moment, look the Senate over, and then ask, with emphasis, "Is *he* a lawyer?" followed by another pause.

"If the power is gone upon the meeting of the Legislature, how can the power come into existence if the Legislature is in session when the vacancy hap-

pens?" Burrows demanded. He then made it clear that the power of the Executive was only to be exercised until the next meeting of the Legislature, in order to prevent, in the language of Randolph, "inconvenient chasms"; but if the Legislature is in session when the vacancy takes place, there is no chasm for the Executive to bridge, for the primary power to fill the vacancy is present and authorized to act, and the next meeting of the Legislature is found in the Legislature *then existing* at the time the vacancy occurred. The Legislature being in session when the vacancy took place, there was no necessity nor opportunity for the exercise of executive authority to make temporary appointment.

"In the light of these precedents and in face of the vote in the last Congress in the Corbett case," Burrows continued, "I submit it is asking a great deal, it is a heavy draft even on the demands of friendship, for the claimant in this case to insist that the Senate shall reverse the adjudications of a hundred years, which he himself and his colleagues have so recently approved, that he may gain at best but a temporary seat in this body. And it is little less than audacious for the Governor of the State of Pennsylvania to disregard the mandates of the constitution of his State, which he has sworn to support, refusing to call the Legislature together to elect a Senator, and force the

Senate of the United States to place its stamp of approval upon his disregard of official duty and his assumption of power. . . .

"The disastrous consequences sure to flow from the reversal of the established policy of the Senate cannot, in my judgment, be exaggerated. Let it once be established as the settled doctrine of the Senate, and proclaimed to all the State Legislatures, that the Senate will hereafter recognize and receive into its membership the appointee of a Governor whenever the Legislature, for any reason, has failed to elect a Senator, and you have given an incentive to aspirants for Senatorial honors, who may not be able to command the support of their Party adherents in sufficient numbers to insure their election, to enter into a conspiracy with the Governor, who may be a personal friend, to break up the Legislature, prevent an election by that body, that the Executive may draw to himself the power to make a temporary appointment, and thus reward his personal and political friend. Aspirants for Senatorial honors, should this rule be established, will be as greatly interested in securing a friendly Executive as in carrying the Legislature; for, with a friend in the executive chair, it is only necessary to secure a sufficient number of political adherents to prevent an election and force an adjournment, to insure his selection by the Governor to a seat

in the Senate, which he may retain so long as he can command the support of the Executive." . . .

Burrows' concluding words were uttered with an evident sincerity and earnestness that caused absolute silence in the Chamber. With hand uplifted, as if to ward off some impending danger, he declared: "We have reached a crisis in the history of the Senate fraught with the utmost peril, not only to the Senate but to the country. The eyes of the Nation are upon us. What we do today will not be overlooked or forgotten. We can not change front unnoticed. We are not sitting behind closed doors. The Senate cannot afford to reverse its record of one hundred and eleven years. It cannot afford to reject a claimant for a seat today and, on the same statement of facts, admit another claimant tomorrow. It cannot afford to give credence to the charge that the Senate of the United States is, after all, but a social club, where good-fellowship is a better credential than a certificate of election in conformity to law. In a word—we cannot afford to do that which defies all precedent, strikes a fatal blow to the perpetuity of the Senate as constituted under existing forms of law, and shakes public confidence in the integrity of this body. . . .

"And let me say to Senators, that no sooner shall you establish the doctrine contended for by the minority than there will be a popular uprising in this coun-

try which no power can resist or suppress to take from State Legislatures and Governors all control over the election of Senators, and lodge it with the sovereign people. Already thirty-four States, through their Legislatures, have demanded it. The House of Representatives has repeatedly proposed it.

“I implore Senators, therefore, to follow the beaten path of the country, in the footsteps of Elsworth, Benton, Vance, Cass, Bayard, Hill, Davis, Garland, Cameron, Douglas, Mason, Blaine, Edmunds, Conkling, Carpenter, and the long line of illustrious men whose genius and learning illumine the way, and so save the Senate from public scandal and reproach, restore and preserve its ancient dignity, and insure the perpetuity of representative government.”

From the *North American* is quoted, under date of April 24, 1900, a graphic description of the events which occurred at the time the vote was taken:

“Amid intense silence that added to the impressiveness of the most dramatic scene that has occurred in the Capitol of the Nation since the decision of the Electoral Commission in 1877, the United States Senate today strangled forever the political fortunes of Matthew Stanley Quay, of Pennsylvania.

“This was a great day for Pennsylvania, a great day for pure politics and honest methods, a great day for the Constitution, and it will be a long time before

that growth which has so long flourished in the orchard of political corruption will recover from the killing frost that today blasted it. The Constitution has been upheld, and the foot of the political boss has been lifted from the neck of Pennsylvania.

“And what a struggle it has been! Nothing like it has ever occurred before in the history of the Senate. It was honest methods, decency in politics, and the Constitution of the country, against the Machiavellian machinations of the corruptest and most versatile set of political freebooters known to contemporaneous political history. From the very beginning of this titanic battle Quay and his cohorts have stopped at nothing to accomplish their ends. Every argument and method known to the adept in shady political transactions has been resorted to. Lobbyists, the most unblushing and unscrupulous, have been employed, political combinations made, and promises of future political pelf have been freely indulged in, besides appeals innumerable on the score of personal friendship. And it must be admitted that it was a great fight, albeit a filthy one, that was waged by this Pennsylvania Warwick. With every consideration of decency and honesty against him; with every precedent in the history of the Senate standing as a stone wall in his pathway; with the plain letter and spirit of the fundamental law of the land

forbidding his entry to the Senate, he yet came within two votes of being seated. What a narrow ledge did honesty and the Constitution have to walk upon!

“But the band of patriots, guided by truth and right, led by Senator Burrows and a handful of Republicans who are patriots and lovers of the Constitution before they are partisans, stepped at last upon a broad and solid foundation, and the people who love liberty, truth, right, and justice in political matters breathed an intense sigh of relief.

“This band of Republicans, whose names should be fixed in the hearts of their countrymen for their steadfast courage, consists of Senators Burrows, of Michigan; Bard, of California; Gallinger, of New Hampshire; Hale, of Maine; Hanna, of Ohio; Hawley, of Connecticut; Kean, of New Jersey; McBride, of Oregon; McCumber, of North Dakota; McMillan, of Michigan; Platt, of Connecticut; Proctor, of Vermont; Quarles, of Wisconsin; Ross, of Vermont; Simon, of Oregon; Thurston, of Nebraska, and Wellington, of Maryland.

“With the consciousness of duty faithfully performed, these gentlemen will sleep soundly this night, knowing full well that they are receiving the plaudits of people who admire courage, and fidelity to law, principle, and high ideals.

“Everybody interested in this battle hurried to the

Capitol this morning, and there was a look of intense eagerness on the faces of all. On the faces of the Republicans and Democrats who had fully determined to unseat the Pennsylvania boss there were the compressed lips and square jaws that you sometimes see in the faces of men entering battle. The Quay forces wore looks of intense anxiety, which turned to positive dismay when they heard that Senator Hanna was paired against Quay. That the weight of the Administration was against Senator Quay was apparent.

“When the hour of eleven arrived and the President’s gavel sounded order, there was a full attendance of every Senator in the city, a full press gallery, and the visitors’ galleries became rapidly filled until there was standing room only along the backs of the last row of seats, and a surging and curious mass in the gallery corridors outside.

“As Senator Penrose resumed his speech, which was begun yesterday, he was given the closest attention. He felt he was making his last appeal for his friend before sentence was pronounced, and his effort was perhaps his best in the Senate. He used every specious argument prepared after weeks of work, and he pleaded with tears in his voice and crêpe on his vocal door for his would-be-colleague. It was a gallant charge, but he felt that the enemy would turn his flank, and he sank into his seat at the close, and

looked almost helpless and hopeless about the Chamber. Senator McCumber, of South Dakota, then turned his Gatling guns on the Quay forces, and increased their gloom. He was followed with some keen, sharp musketry-fire into the same ranks by Senator Turner, of Washington. When his guns were moved off the field, the heavy artillery of the great Constitutional lawyer of Kentucky, Senator Lindsay, were unlimbered, and for an hour the shot and shell that fell in the Quay camp added to the evident demoralization that already existed there.

"There was a hurried consultation, and Senator Daniel, of Virginia, and Senator Spooner, of Wisconsin, vainly tried to stem the tide running against Quay. All this time intense stillness pervaded the Chamber, and every Senator sat with a look of solemn dignity and sullen determination on his face.

"During the speech of Senator Spooner there was a slight diversion that indicated sure defeat for Quay. Up to that moment no man had any idea of the position occupied by the brilliant young Senator from Texas, Culberson. It had been noted how, all day, the Quay forces had been working with Culberson and with Deboe, of Kentucky. He had given them absolutely no encouragement and no answer. They knew nothing of his intentions. Suddenly his straight figure shot into the air from his seat, and, pointing his

finger at Senator Spooner, he asked this question:

“ ‘If a new State, just admitted, had, through its Legislature, failed to elect a Senator, would a vacancy be said to exist?’

“ Senator Spooner said he would answer that when he got around to it, but never arrived at the answering point. A buzz of low conversation went through the Chamber and around the galleries. The question fully presaged Culberson’s attitude, and was clearly hostile to Quay. It increased the gloom in the Quay corner, and they knew then they had guessed wrong as to Culberson.

“ Thus the battle raged until the fingers of the clock pointed to the hour of four. Up to the very last moment of time the Quay leaders, including Penrose, Carter, and Wolcott, were busy button-holing and working among Senators. Some of their hired men were audacious in their efforts to convert Senators to Quay’s interest, and really injured his cause by their audacity and insinuating methods. These actions were commented on most unfavorably in the galleries, and it could be plainly seen that many Senators were annoyed, and even angered.

“ When the gavel fell, and the moment for the vote to be taken was announced, there came the stillness of the death chamber. Every Senator was in his seat, and if the funeral of a brother Senator had been

the regular order, instead of the question of the right to a seat in that greatest deliberative body on earth, there could not have been greater solemnity of demeanor on their part. Every ear was trained to catch the vote of each Senator as his name was called. As the monotonous 'aye' or 'no' fell with see-saw regularity the strain became so great a tension on the nerves of every one on that floor, banked to the doors with members of the House, and every soul in the galleries, that a scream would have been a most welcome relief. As the name of Culberson, whose position was still an enigma, was called, and his clear, ringing 'no' came from his seat, the Quay people trembled, and the blood mantled the cheeks of Penrose and Wolcott. When Senators Kenney, McLaurin, Sullivan, and Talliaferro, all Democrats, voted 'aye,' there was a craning of necks to see the manner of men who, without apparent reason, had voted to seat Mr. Quay, who for so many years had fought them politically, and who now asked their votes against precedent, decency, and the Constitution. It were better not to enter too closely into the reasons for the votes given by these four Senators. They are chickens that will undoubtedly find the old roosting-place in the home tree. As for the votes of Senators Morgan and Daniel for Quay, no man questions their motives or sincerity in so doing. These two votes

were superinduced by constitutional construction.

“When the roll-call ended, and Senator Platt, of Connecticut, who had not answered to his name, cast the last vote against Quay, the suspense was over, there was a babble of conversation, a kaleidoscopic scene of changing color on the floor and in the galleries, hurried hand-shakings, a rush for the telegraph instruments, and in a few moments the world knew that the Constitution had been upheld, and that Matthew Stanley Quay was a political corpse.”

The action of Senator George Graham Vest, of Missouri, was the most dramatic incident of the entire event. Tied as he was to Quay by the closest claims of warm friendship, it had been expected, up to the last moment, that if not voting in favor of Quay, he would at least absent himself on the plea of illness, and thus avoid the necessity of putting himself on record as against his friend. When, however, weak and tottering, he was led to his seat amidst an impressive silence both on the floor and in the galleries, and when later he responded to the call of his name and cast the vote against Quay, which proved to be the decisive one, no one questioned that it was an act of stern duty, and that he simply recorded his belief that the sanctity of constitutional liberty had a greater claim upon his conscience than even the closest friendship.

The vote against Quay stood 33 to 32.

The Washington *Times* on April 25, 1900, said: "If the defeat of Mr. Quay can be attributed to any one influence more than another, it is conceded on all hands that the great argument of the Honorable Julius Cæsar Burrows, of Michigan, is entitled to that credit. Mr. Quay's supporters learned with dismay only a week ago that Senator Burrows' speech had accomplished that rarest of all results of oratory in either branch of Congress, and especially in the Senate,—the changing of a vote. . . . There is no doubt at all that if Senator Burrows had not opposed the seating of Quay with such doggedness at every point, had not finally clinched his position with an argument which for force and lucidity is declared to have few equals in the modern oratory of the Senate, the Pennsylvanian would have been seated."

Senator Hanna stated frankly: "The speech of Senator Burrows turned the tide against Mr. Quay." "Senator Hanna's opinion," said the Detroit *Free Press* (April 27, 1900), "voices the general sentiment. Mr. Burrows set the Senate to thinking. Senators began to feel keenly that they could not vote for Quay and maintain their manliness. The contention of Senator Burrows was so plain that it brought confusion, if not conviction even, to some Senators who believed Mr. Quay had a right to his seat."



ON THE SENATE BEAT.

CARTOON FROM THE MINNEAPOLIS
"JOURNAL"

1900

The results of Senator Burrows' speech are perhaps the more impressive because of the fact that the opposing view of the question was contended for by Senator Hoar, one of the ablest constitutional lawyers in the country at that time, and by other speakers of almost equal eminence.

CHAPTER V

MORMONISM AND THE SMOOT CASE. 1903-1907

BURROWS' first interest in the subject of Mormonism dates back to the Forty-seventh Congress. It will be remembered that during that session a discussion arose as to the legal right of Campbell, of Utah, to take his seat in the House with the credentials which he presented.¹ Out of this discussion came the Anti-Polygamy Bill, known as the "Edmunds Law," which was passed by Congress and approved March 22, 1882.

The study which Burrows gave to this earlier legislation laid the foundation for a deeper and far more intimate investigation which he later prosecuted as Chairman of the Committee on Privileges and Elections in the Senate. In 1906-1907 the question arose whether Reed Smoot, seated in the United States Senate upon credentials from the Legislature of Utah, should be permitted to hold that seat in view of the fact that he was one of the twelve so-called "apostles" of the Mormon Church, and was supposed to have taken an oath before that body which held precedence over any later oath of allegiance to the United States.

¹ See Volume I, page 193.

The matter first came before the Committee on Privileges and Elections in the form of a protest signed by residents of Utah, declaring that Smoot was a polygamist, that he had at that time a plural wife, that he had taken the oath already referred to, and that he had aided and abetted the practice of polygamy, knowing it to be a crime under the United States laws. The Committee on Privileges and Elections, to whom this petition was referred and of which Senator Burrows was Chairman, was authorized and directed by the Senate, on January 27, 1904, to institute an investigation. In conducting this, the Committee arranged hearings with witnesses covering many months, as a result of which the charge against Senator Smoot came down to the questions as to whether or not the Mormon oath he had taken nullified and took precedence over his later oath to the United States, and whether or not he had aided and abetted the crime of polygamy, thus relieving him from the charge of being a polygamist, and eliminating the personal element in the investigation. More than one hundred witnesses were examined, and the testimony which was later submitted to the Senate covered over three thousand printed pages.

“Mormonism is now brought face to face with Americanism at the bar of the Senate Committee on Privileges and Elections,” wrote Alfred Henry Lewis

in *Collier's Weekly* (March 26, 1904). "Nominally, the issue is whether Apostle Reed Smoot shall take his seat in the United States Senate. The real issue is whether a Mormon can indiscriminately break the law; whether the Mormon Church, after having pledged itself to keep out of politics, can continually interfere in the election of the people's representatives; whether polygamy is to continue to exist in defiance of American opinion and American laws. That the Mormon hierarchy intends, as has been indicated in the astounding testimony of President Joseph F. Smith, to do all these things—that it is, in fact, in practical conspiracy against the United States Government—there is not the shadow of a doubt.

"In Washington, and earnestly watching the proceedings of the Senate Committee, are many men from Utah. Some of these are Mormons, some are Gentiles, and all confess a burning interest in what is going forward. They know that Mormonism, not Smoot, is at bay, and the Mormons among them fear, and the Gentiles hope, the worst as a probable outcome."

"Senators, old and young alike," said a spectator at these hearings, "are moved by the depressing, repelling features disclosed in the testimony. Each is interested and alert. All ask questions; their faces are a study for a Rembrandt, a Gainsborough, or a

Millais. There is Burrows—cool, white-faced, quiet, and determined, so absolutely impartial, a prince of courtesy, following the testimony intently, and illuminating it with frequent questions that go straight to the heart of the subject, and reveal the wonderfully acute penetration of a singularly sound intellect."

The nature of the testimony brought out in this investigation showed beyond a doubt that in defiance of existing laws polygamy still flourished in Utah; and the tremendous public interest taken in the investigation, particularly by the women of America, made the case National in its scope and far-reaching in its results. Among the protests against seating Smoot, for instance, were eighty volumes of signatures from women representing forty States of the Union, and the Committee was literally buried beneath letters and telegrams from every source, which congratulated, threatened, implored, and villainized.

As a result of its investigation the Committee on Privileges and Elections returned to the Senate a resolution "that Reed Smoot is not entitled to a seat as a Senator of the United States from the State of Utah." In support of this resolution, Senator Burrows delivered a speech on December 11, 1906, which might well be called a popular history of the Mormon movement from the beginning down to the date of the investigation. We all, in a general way, are familiar

with certain phases of Mormonism, but the clarity with which Burrows sets forth the historical events from the time when Joseph Smith is supposed to have discovered the metallic plates comprising the "Book of Mormon," makes his speech read like a chapter from a sensational novel. Yet the authorities which he cites place it at once as an authentic document of the greatest value upon the subject which it treats. As Burrows' name must always be associated with the extermination of polygamy, it is appropriate that an outline of his researches should be recorded here, and in view of the international interest which seems likely to be aroused by the suggestion that legalized polygamy may become a necessity in Europe after the world war, no apology is offered for the length of the quotations:

"In passing upon the issue involved," Burrows said, "it is important, indeed absolutely essential, to an intelligent application of the evidence elicited and the law applicable thereto, to recall and hold in mind the accredited facts of history in connection with the organization and development of the Mormon Church, especially that community known as the 'Utah Mormons' or 'Brighamites,' with headquarters at Salt Lake City, presided over by one Joseph F. Smith, recognized and acknowledged by his devotees as 'president, prophet, seer, and revelator,' and with

which organization Senator Smoot is publicly identified as one of the so-called 'apostles,' and who, by virtue of his ecclesiastical office therein, occupies a conspicuous place in this Mormon hierarchy.

"The regular and legitimate Mormon Church had its origin in and grew out of an alleged discovery of some metallic plates said to have been found near Palmyra, N. Y., by one Joseph Smith, bearing certain inscriptions which were said to have been translated by him and embodied in what is known and accepted as the 'Book of Mormon,' belief in which formed, in 1830, the basis of an organization styling itself 'The Church of Latter-Day Saints,' which for fifteen years increased in membership and extended its influence until in 1844 it numbered about 50,000 adherents. On the 27th day of June, 1844, Joseph Smith, the founder of this cult, while confined in jail at Carthage, Illinois, was set upon by a mob and killed. . . .

"The death of Joseph Smith, in 1844, carried dismay and demoralization throughout the entire membership of the Mormon Church, scattering its adherents in divers directions, and for the time being seemed to presage the complete overthrow and dissolution of the organization. Recovering, however, from the shock, the scattered bands soon reappeared in various parts of the country, and promulgated their doctrines with increased zeal, and set to work to

re-assemble and re-organize their scattered forces, resulting finally in the formation of what is now known and recognized as the 'Re-organized Church of Jesus Christ of Latter-Day Saints,' with headquarters at Lamoni, Iowa, and presided over by Joseph Smith, a son of the prophet. The courts have repeatedly declared this organization to be the legitimate successor of the original Mormon Church, and its adherents, numbering some 50,000 peaceable, patriotic, and law-abiding citizens, scattered throughout the United States in small church societies, conforming to the laws of their country wherever they may be, and adhering to the faith of the founder of their creed, repudiating and denouncing the doctrine of polygamy and its attendant crimes, without temple, endowment house, or secret order, worship in the open like other church organizations, unquestioned and unmolested.

"During this period of disintegration one Brigham Young, who had identified himself with the Mormon organization as early as 1832, a man of indomitable will and undaunted courage, bold and unscrupulous, seized upon the occasion of the demoralization incident to the death of the prophet to place himself at the head of some 5,000 Mormons, and, marching over desert and mountain, established himself with his adherents in the valley of Salt Lake, July 24, 1847, then Mexican territory, where he undoubtedly

indulged the hope that the new doctrine of polygamy about to be publicly proclaimed by him might be promulgated with impunity, and practiced and maintained without interference by the United States. These hopes, however, were destined to be blasted, for by the treaty of Guadalupe-Hidalgo, of February 2, 1848, this territory passed from the jurisdiction of Mexico to the sovereignty of the United States, and its inhabitants thereupon became amenable to its laws.

“Upon this transfer of sovereignty, and in 1849, Brigham Young and his followers, without authority from any source whatever, proceeded to set up a government of their own, embracing a territory of imperial dimensions, christening it the ‘State of Deseret,’ electing Brigham Young, the head of the Church, Governor; Heber C. Kimball, an apostle, lieutenant-Governor, and filling all other official positions in the proposed State with their trusted adherents. At the same time a general assembly was chosen, which in 1849 petitioned Congress to admit the ‘State of Deseret’ into the Union, and commissioned a delegate to the Lower House of Congress, who subsequently presented his credentials and the memorial praying for statehood.

“Shortly previous to this time it began to be bruited about that the leaders of this organization

and founders of the new State were fugitives from justice and apostates from the true Mormon faith, and were living in polygamy; and it is an historic fact that when Brigham Young arrived in Salt Lake, in 1847, he had seventeen wives, and all the so-called apostles, twelve in number, except possibly one, from two to twenty wives each. This rumor gained credence and confirmation by a protest against the admission of the State of Deseret sent to the Congress of the United States December 31, 1849, and now on file in its archives, from which I make the following extracts:

“Your petitioners know most assuredly that Salt Lake Mormonism is diametrically in opposition to the pure principles of virtue, liberty, and equality, and that the rulers of the Salt Lake Church are bitter and inveterate enemies of our Government. They entertain treasonable designs against the liberties of American free-born sons and daughters. . . . They have elected Brigham Young, who is the president of their Church, to be the Governor of the proposed State of Deseret. Their intention is to unite Church and State. . . . We have authentic information that more than 1,500 Salt Lake Mormons took the following oath in the Temple of God at Nauvoo:

“You do solemnly swear, in the presence of Al-

mighty God, His holy angels, and these witnesses, that you will avenge the blood of Joseph Smith on this Nation, and teach your children, and that you will from this time henceforth and forever begin and carry out hostilities against this Nation, and to keep the same intent a profound secret now and forever. So help me God.” ’

“ ‘The rulers of the Salt Lake Church hypocritically pretend to venerate the name and character of the prophet Joseph Smith that they may retain their popularity among that people who believe that he was a true prophet. These rulers are apostates from the true Church of Jesus Christ of Latter-Day Saints, of which Church Joseph Smith was president. They teach and practice polygamy. . . . Surely your honorable body will not lend your aid to legalize adultery and all manner of wickedness. These men have left their country for their country’s good. They have left it that they might escape the punishment which their crimes have invoked. . . . They have been guilty of murders, treason, robbery, counterfeiting, swindling, blasphemy, and usurpation of power, both political and ecclesiastical. This is the character of the man who is the political and ecclesiastical Governor of the Salt Lake Colony. The Salt Lake settlement is like Sodom and Gomorrah. Save

the rising generation of that land from being trained up in such a sink of corruption, blasphemy, and treason.' . . .

"Upon the presentation of the remonstrance referred to, the National House of Representatives declined to consider the petition for the admission of the 'State of Deseret' into the Union, or receive its representative, but in lieu thereof, and on the 7th day of September, 1850, Congress passed an Act providing for the organization and government of the Territory of Utah. In 1850, President Fillmore appointed Brigham Young Governor of the Territory for the term of four years, who entered upon the duties of the office in February, 1851, and thus the chief polygamous saint and head of the Church became the chief Executive of the Territory. These public and official declarations confirmatory of the rumors of the practice of polygamy by Brigham Young and his apostles made further concealment of their crime impossible, and it became necessary in some way to excuse or justify so flagrant an assault upon public decency and the civilization of the age.

"To that end a special conference of the sect was called to convene at Salt Lake City on the 28th day of August, 1852, over which Brigham Young presided, attended by the so-called apostles and high officials of the Church to the number of over 2,000,

at which conference, for the first time, the doctrine of polygamy was publicly proclaimed and declared to be an accepted tenet of the Utah Mormon faith. . . .

“In order to induce his followers more readily to accept this infamous doctrine, Brigham Young himself invoked the name of Joseph Smith, the martyr, whom many sincerely believed to be a true prophet, and ascribed to him the reception of a revelation from the Almighty in 1843, commanding the saints to take unto themselves a multiplicity of wives, limited in number only by the measures of their desires. Why and how this revelation had been kept a secret for nine years Brigham Young explained as follows:

“The original copy of this revelation was burnt up; William Clayton was the man who wrote it from the mouth of the prophet. In the meantime it was in Bishop Whitney’s possession. He wished the privilege to copy it, which Brother Joseph granted. Sister Emma burnt the original. . . . This revelation has been in my possession many years; and who has known it? None but those who should know it. I keep a patent lock on my desk, and there does not anything leak out that should not.”

“Such the mythical story palmed off on a deluded people. Let me now quote the material part of the

pretended revelation of polygamy as given out by authority of Brigham Young in 1852:

“ ‘Verily, thus saith the Lord unto his servant Joseph: . . . behold and lo, I am the Lord thy God . . . therefore prepare thy heart to receive and obey the instructions which I am about to give unto you, for all those who have this law revealed unto them must obey the same, for behold, I reveal unto you a new and everlasting covenant, and if ye abide not that covenant, then ye are damned; for no one can reject this covenant and be permitted to enter into my glory; . . . and as pertaining to the new and everlasting covenant, it was instituted for the fulness of my glory, and he that receiveth a fulness thereof must and shall abide the law or he shall be damned, saith the Lord God. And again, as pertaining to the law of the priesthood, if any man espouse a virgin and desire to espouse another, and the first give her consent, and if he espouse the second, and they are virgins and have vowed to no other man, then is he justified. He cannot commit adultery, for they are given unto him, for he cannot commit adultery with that that belongeth to him and to none else; and if he have ten virgins given unto him by this law he cannot commit adultery, for they belong unto him and are given unto him; therefore is he justified.’

“Thus did Brigham Young and his associates at-

tempt to explain and justify a practice revolting to every sense of public decency, subversive to the home, and destructive of the very foundations of society. Thus were laid with unholy hands what Brigham Young was pleased to call the foundations of 'Zion,' upon which it was proposed to erect 'the kingdom of God on earth.' But a doctrine so monstrous needed something more than the unsupported testimony of Brigham Young to insure its reception and give it credence, in view of the fact that it had no warrant in the Book of Mormon, and was specially condemned in the book of 'Doctrines and Covenants,' wherein it is declared, 'One man should have one wife, and one woman but one husband.' To give this creed the semblance of authority, and insure its permanency as an article of this Utah Mormon faith, the doctrine of monogamy was torn from the book of 'Doctrines and Covenants,' and the doctrine of polygamy inserted in its stead, where it is still retained as a cardinal principle of the Utah Mormon faith. This way was the practice of polygamy inaugurated in the Territory of Utah, and fostered and encouraged by the leaders of this sect.

"The subsequent history of this community is too familiar to justify extended review. From the hour they took possession of the Territory in 1847 the domination of this Mormon hierarchy in civil as well

as so-called 'religious' affairs has been absolute and supreme, and there was then inaugurated and carried on for over forty years a carnival of crime in this Territory unexampled in the history of a civilized State. The armies of the United States were forbidden to come within its borders; Federal judges and other Government officials were driven from the Territory; the statutes of the United States spurned and trampled on; the ministers of the law insulted and defied; lawlessness ran riot, and there was no authority in the Territory respected or enforced but that of the Mormon hierarchy. . . .

"From a long catalogue of declarations of hostility to the general Government by Brigham Young, I take the following:

" 'Zachary Taylor is dead and in hell, and I am glad of it. And I prophesy by the power of the priesthood that is upon me that any President of the United States who lifts his finger against this people shall die an untimely death and go to hell.' . . .

"The United States officers may remain in the Territory so long as they behave themselves and pay their board, but if they do not they would kick them to hell, where they belong. . . . That he has ruled that people for years and could rule them again, and he would kick any man out of the Territory who would dictate to or advise him of his duty.

"A professor of the University of Deseret declared: 'The Government of the United States is a stink in the nostrils of Jehovah. . . . We can save it by theocracy, but rather than save it by any other way, we will see it damned first.'

"'The Governor (Brigham Young) has been accustomed to enter the legislative hall under the provisional State Government and dictate what laws should and should not be passed, and enter the court and jury rooms and dictate what verdict should be rendered, and he has given us ample evidence that he was equally omnipotent and influential with the Mormon people under the Territorial Government. It is impossible for any officer to perform his duty or execute any law not in sympathy with their views as the Territory is at present organized. . . . No man dare open his mouth in opposition to their lawless exactions without feeling its effects upon his liberty, his business, or his life.'¹

"Such was the deplorable condition of affairs in the Territory of Utah in 1851. When, in 1857, the President of the United States determined upon the removal of Brigham Young from the office of Governor of the Territory, the newly-appointed Executive deemed it prudent to proceed to his post of duty with

¹ From the report made December 19, 1851, by the Chief Justice and the Associate Judge of the Supreme Court of the Territory, who, unable to discharge their functions, were compelled to fly for their lives.

a military escort; whereupon Brigham Young declared that the newly-appointed Governor should not administer the office, and it became necessary to increase the military force and place it under the command of Col. Albert Sidney Johnston. . . .

“President Buchanan, in his message to Congress of December 8, 1857, explanatory of his official acts in connection with the Government of Utah said: ‘All the officers of the United States, judicial and executive, with the exception of two Indian agents, have found it necessary for their personal safety to withdraw from the Territory, as there no longer remains any government in Utah but the despotism of Brigham Young.’

“Thus did it come to pass that, after ten years of the domination of the Mormon hierarchy in Utah, the President of the United States was constrained to make the startling announcement in his annual message to Congress that there no longer remained any government in the Territory of Utah but the ‘despotism of Brigham Young.’ He ruled supreme. Pretending to be the vicegerent of the Almighty, he defied the Government of the United States, and played upon the passions, prejudices, and fears of the people until he held complete mastery over the lives and fortunes of his deluded followers.

“This declaration of President Buchanan in 1857

aroused the Congress and the country to the necessity of taking some steps to suppress this crime and relieve the people of Utah from the domination of so despotic a power. To this end numerous measures were promptly introduced in both Houses of Congress looking to the accomplishment of such purpose, but not until 1862 was an Act passed defining the crime of bigamy, and punishing persons adjudged guilty of such offence in any of the Territories of the United States by a fine not exceeding \$500, or by imprisonment for a term not exceeding five years, and at the same time annulling all acts and laws of the legislative assembly of the Territory of Utah 'which establish, support, maintain, shield, or countenance the practice of polygamy, evasively called "spiritual marriage," however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, or other contrivances'; and, further, annulling the ordinance incorporating the Church of Jesus Christ of Latter-Day Saints, and making it unlawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States of a greater value than \$50,000, forfeiting and escheating to the United States all holdings by such corporation in excess of such value. This comprehensive measure remained, however, for many years a dead letter. The great issue of the Civil War and the

problems growing out of the conflict overshadowed and obscured for the time being all other questions of domestic concern, and for twenty years the Act of 1862 was disregarded and defied, while the hierarchy continued its unrestrained debauchment and despotic sway. No sooner, however, had the storm of the war passed, and the calm of peace returned, than the attention of Congress and the country was again directed by several Presidents of the United States to the continued existence of the criminal practice in the Territory of Utah. . . .

“In his seventh annual message, December 8, 1875, President Grant said: ‘In nearly every annual message that I have had the honor of transmitting to Congress I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct. That polygamy should exist in a free, enlightened, and Christian country without the power to punish so flagrant a crime against decency and morality, seems preposterous. True, there is no law to sustain this unnatural vice, but what is needed is a law to punish it as a crime. . . . But as an institution polygamy should be banished from the land.’

“President Hayes, in his fourth annual message, December 6, 1880, said: ‘It is the recognized duty and purpose of the people of the United States to

suppress polygamy where it now exists in our Territories, and to prevent its extension. The longer action is delayed the more difficult it will be to accomplish what is desired. Prompt and decided measures are necessary. The Mormon sectarian organization, which upholds polygamy, has the whole power of making and executing the local legislation of the Territory. By its control of the grand and petit juries, it possesses large influence over the administration of justice. Exercising, as the heads of this sect do, the local political power of the Territory, they are able to make effective their hostility to the law of Congress on the subject of polygamy, and, in fact, to prevent its enforcement. Polygamy will not be abolished if the enforcement of the law depends on those who practice and uphold the crime. It can only be suppressed by taking away the political power of the sect which encourages and sustains it.' . . .

"President Garfield, in his inaugural address, March 4, 1881, said: 'The Mormon Church not only offends the moral sense of mankind by sanctioning polygamy, but prevents the administration of justice through ordinary instrumentalities of law.'

"In 1881, President Arthur, in his annual message to Congress, called attention to the continued practice of polygamy in the Territory of Utah in the following language:

“The fact that adherents of the Mormon Church, which rests upon polygamy as its corner-stone, have recently been settling in large numbers in Idaho, Arizona, and other of the Western Territories, is well calculated to excite the greatest interest and apprehension. It imposes upon Congress and the Executive the duty of arraying against this barbarous system all the power which under the Constitution and the laws they can wield for its destruction.”

“Following this suggestion of President Arthur, Senator Edmunds introduced a Bill to amend the Act of July 1, 1862, which was passed by Congress and approved March 22, 1882. This Act, known as the ‘Edmunds Law,’ was the most drastic yet proposed, and struck a deadly blow at the very root of the evil. It made bigamy, polygamy, and polygamous cohabitation crimes punishable by fine and imprisonment; it excluded from the jury-box, on the trial of any person charged with the violation of such Act, every person who had been, or was then, living in violation of this statute, or who believed in the rightfulness of the acts prohibited; it disfranchised all persons who were guilty of violating the provisions of such enactment, and rendered them ineligible for election or appointment to any office, and disqualified them from holding any place of public trust, honor, or emolument in such Territory or under the United States; it vacated all the

registration offices in the Territory of Utah, and imposed upon a Commission of five persons, appointed by the President of the United States and confirmed by the Senate, all the duties relating to the registration of voters, the conduct of elections, and the canvass and declaration of the result. In other words, it practically took into its own hands, through its own official instrumentalities, the entire administration of the affairs of that Territory. Upon the passage of this Act, instead of conforming to its provisions and yielding obedience to its mandates, the Utah hierarchy made open war against it, and, under date of October 6, 1885, issued the following pronunciamento:

“An epistle from the first presidency to the officers and members of the Church of Jesus Christ of Latter-Day Saints

“The war is openly and undisguisedly made upon our religion. . . . We did not reveal celestial marriage. We cannot withdraw or renounce it. God revealed it, and he has promised to maintain it and to bless those who obey it. Whatever fate, then, may threaten us, there is but one course for men of God to take,—that is, to keep inviolate the holy covenants they have made in the presence of God and angels. For the remainder, whether it be life or death, freedom or imprisonment, prosperity or adversity, we

must trust in God. We may say, however, if any man or woman expects to enter into the celestial kingdom of our God without making sacrifices and without being tested to the very uttermost, they have not understood the gospel. . . . Upward of forty years ago the Lord revealed to his Church the principle of celestial marriage. . . . "For, behold I reveal unto you a new and everlasting covenant, and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory." Who would suppose that any man in this land of religious liberty would presume to say to his fellow-man that he had no right to take such steps as he thought necessary to escape damnation? Or that Congress would enact a law which would present the alternative to religious believers of being consigned to a penitentiary if they should attempt to obey a law of God which would deliver them from damnation?"

"We find in this epistle, denunciatory of the Edmunds Law, a re-assertion of the dogma of polygamy that it was of divine origin, and believed in and practiced as a part of the Utah Mormon creed. The Act of 1882, designed to suppress these crimes, continued to be openly or secretly violated, and the practice of polygamy and polygamous cohabitation among this sect continued unabated, and every device which the

ingenuity of man could discover was employed to prevent the enforcement of the law and shield its violators from punishment. After another five years of forbearance and National humiliation, it became manifest that some more drastic measure must be enacted to insure the suppression of these crimes, to which end, in 1887, Congress passed what was known as the Edmunds-Tucker Law, strengthening and enlarging the Acts of 1862 and 1882 by providing, among other things, that in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statutes of the United States, the lawful husband or wife of the person accused shall be a competent witness; that in any such prosecution an attachment for witnesses may be issued in the first instance without a previous *subpoena*; it punished persons convicted of adultery by imprisonment in the penitentiary; it defined the crime of incest, and provided adequate punishment therefor; it annulled all laws of the legislative assembly of the Territory of Utah which provided that prosecutions for adultery could only be commenced on complaint of the husband or wife; it empowered the marshal of the Territory and his deputy to cause all offenders against the law, in his view, to enter into recognizance to keep the peace, and appear at the next term of the court having jurisdiction of the case; it required every ceremony of marriage of any kind to

be authenticated by a certificate stating the fact and nature of the ceremony, the full names of the parties and of every officer, priest, or person taking part in the performance of such ceremony, and signed by the parties to such ceremony, and by every person taking part in the same, such certificate to be filed in the office of the probate court and immediately recorded, and a failure to comply with the requirements of this Act to be punished by fine and imprisonment.

“It made it the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of the Act of 1862 (which Act, it will be remembered, made the holding in excess of \$50,000 of real estate unlawful), such property so forfeited and escheated to be disposed of and the proceeds applied to the use and for the benefit of the common schools in the Territory; it disapproved and annulled all laws of the legislative assembly of the State of Deseret, creating the ‘Perpetual Emigration Fund Company,’ and prohibited the legislative assembly of the State of Utah from reviving such corporation, or passing any law to accomplish the bringing of persons into the Territory for any purpose whatever, and directed the Attorney-General of the United States to institute proceedings in the Supreme Court of the Territory to carry the

Act into effect, and pay the debts and dispose of the assets of such corporation according to law, the surplus, if any, to be escheated to the United States, and expended for the benefit of the common schools of the Territory; it authorized and directed the Attorney-General of the United States to take the necessary proceedings to wind up the affairs of the corporation known as the 'Church of Jesus Christ of Latter-Day Saints' according to law; it conferred upon the President the power to appoint all probate judges within the Territory of Utah, and annulled all legislative Acts providing for their election by the Legislature; it took from the women of the Territory the right of suffrage, and annulled all Acts of the territorial assembly authorizing the registration and voting of females; it imposed upon every lawful voter as a condition precedent to his right to register or vote or hold office in the Territory of Utah, the taking of an oath, not only to support the Constitution of the United States and obey the laws, especially the Acts of 1862 relating to bigamy, and this Act in relation to the crimes defined and forbidden, and provided further that no person who shall have been convicted of any crime under this Act, or previous Acts of Congress, or who shall be a polygamist or cohabit polygamously with another, shall be entitled to vote at any election in the Territory, or serve on a jury, or hold any office of trust or

profit; it annulled all laws looking to the organization or maintenance of the Nauvoo Legion, and declared that the militia of the Territory should be subject to the laws of the United States; and, in a word, this community of polygamists and lawbreakers was practically denied all participation in the government of the Territory of Utah, and the entire administration of affairs taken charge of by the Government of the United States.

“This series of enactments by the National Government was so sweeping and drastic as to carry conviction to the minds of the leaders of this Mormon community that the National Government had finally determined to enforce obedience to its authority, and uproot and utterly destroy the last vestige of this ‘twin relic of barbarism.’ Doomsday had come for this abomination, and the hierarchy saw no possible avenue of escape except through the intervention of the courts of the United States, which, it was hoped, would pronounce these enactments an infringement of that provision of the Constitution which declares that ‘Congress shall make no law respecting the establishment of religion or prohibit the free exercise thereof.’ It was contended then, as it is by some today, that polygamy and polygamous cohabitation are religious rites with which the National Government has no power to interfere. But this contention was sum-

marily disposed of by the Supreme Court of the United States in several cases, particularly the case of the Mormon Church *v.* The United States,¹ which tore the mask from this hypocritical pretense, and exposed it to public scorn and contempt. . . .

“These several statutes to which I have referred, following each other in quick succession, each more drastic than the preceding, and all adjudged constitutional by the Supreme Court of the United States, brought the hierarchy to a realizing sense of its impotency to contend longer against the authority of the United States, and it therefore made haste to find some way to save its members from imprisonment and their property from confiscation. To this end, the head of the Church bowed at last in submission to the National Government, and in 1890 promulgated what is known as the ‘manifesto,’ advising his followers to submit to the laws and refrain from further violation. . . .

“This manifesto was signed by ‘Wilford Woodruff, president of the Church of Jesus Christ of Latter-Day Saints.’ This proclamation, emanating from so commanding a source, and communicated to a people taught to believe that their prophet was the inspired ‘mouthpiece of God,’ was expected to command prompt and implicit obedience by the entire Mormon

¹ 136 U. S. Supreme Court Reports, page 1.

community, and the hope was indulged and belief engendered in the public mind that at last the Utah hierarchy and its adherents would abandon the infamous practice of polygamy and polygamous cohabitation, and conform to the mandates of the law and the spirit of the manifesto, and that this foul blot upon our civilization was about to be forever removed.

"This gratifying expectation was greatly strengthened by the prompt action of the first presidency and the twelve apostles in presenting to the President of the United States in 1891, the year following the manifesto, a petition humbly imploring amnesty for themselves and their followers, and restoration to all their rights and privileges as citizens. This petition, asking immunity for the past and plighting their honor and faith for the future, was couched in such humble terms as to inspire confidence in their sincerity, and a measure of sympathy for their misguided followers. . . .

"These pleas for amnesty were granted, prison doors opened, Church property restored, all disabilities resulting from violation of law removed, and it was confidently hoped that the people of Utah, under this later dispensation, by conforming to the mandates of the law and the civilization of the age, would enter upon a new era of peace, order, and prosperity. But the plans of the hierarchy were not yet fully realized,

and would not be until the Territory had escaped from Federal domination by securing the freedom of statehood, and the time seemed opportune for such a consummation.

“Previous to this, and during all the years of Utah’s Territorial existence, efforts were repeatedly made to escape the direct domination of the National Government by securing admission into the Federal Union. If my recollection serves me correctly, at least half a dozen attempts were made to secure statehood previous to 1890, all of which proved abortive, for the reason that the people of the Territory under the domination of the Mormon hierarchy were not obedient to the laws of the United States—were not law-abiding citizens—and therefore not regarded fit to be intrusted with self-government. After the manifesto of 1890 and the general amnesty following, and the liberal spirit which seemed to have taken possession of the public mind, the effort for statehood was renewed, and as early as 1892, only two years after the manifesto, a movement was inaugurated to that end, and followed with such persistency that two years later an Enabling Act was passed, and in 1896 Utah was admitted into the Union as a sovereign State. And thus was the prophecy of Brigham Young fulfilled:

“ ‘Do not be discouraged by your repeated failures to get into the Union as a State. We shall succeed,

we shall pull the wool over the eyes of the American people, and make them swallow Mormonism, polygamy and all. We shall drop the old issue between the Mormons and the Liberals in Utah, ally ourselves with the two great National Parties, dividing ourselves about equally, so as to fall in with the one in power. We don't know and we don't care about the issue. We must be at peace with them in order to get into the Union. After that we can snap our fingers in their faces, restore the good old times when we dwelt undisturbed in these valleys of the mountains, and cast out devils as we used to do.'

"Thus was consummated in the brief period of six years what nearly half a century had failed to secure. No stronger proof of public confidence in the sincerity of these people could possibly have been given. However, to make assurance doubly sure that the hierarchy would keep faith with the Nation, it was provided, among other things, in the Enabling Act of July 16, 1894, that—

"The constitution shall be Republican in form, and shall provide by ordinance, irrevocable without the consent of the United States and the people of said State.

"That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on ac-

count of his or her mode of religious worship, provided that polygamous or plural marriages are forever prohibited.'

"Subsequently, and when the constitution was framed, these requirements of the Enabling Act were embodied in the constitution of the State, coupled with the further provision that 'There shall be no union of Church and State, nor shall any Church dominate the State nor interfere with its functions.' . . .

"Under which constitution, thus framed and ratified by the people, Utah was admitted to the freedom of statehood. Following her admission, the usual steps were taken to set the machinery of the State Government in motion, and to adjust it to its new relations as a member of the Federal Union. To this end, State and Federal officials were elected from time to time, when on the 26th of January, 1903, the Governor of the State certified that on the 21st day of January, 1903, 'Reed Smoot was duly chosen by the Legislature of Utah to represent said State in the Senate of the United States for a term of six years from March 4, 1903.'

"It is concerning this election that protest was made, and the Committee on Privileges and Elections ordered to 'investigate the right and title of Reed Smoot to a seat in the Senate as a Senator from the

State of Utah.' Such investigation your Committee, after patient and protracted hearings, has concluded, and submits the results of its deliberations to the judgment of the Senate. . . .

"These charges may be epitomized as follows: That Senator Smoot is disqualified from holding a seat in the Senate of the United States for the reason—

"*First.* That at the time of his election the State of Utah and the Legislature thereof were under the complete domination of the Mormon hierarchy, of which he is a member, and that such hierarchy so far 'interfered with the functions of the State' as to secure the election of one of its own members and an apostle, and that his certificate of election by the Legislature was only the recorded edict of the hierarchy in defiance of the constitutional inhibition that 'no Church shall dominate the State nor interfere with its functions.'

"*Second.* That this Mormon hierarchy, of which the Senator is a conspicuous member, inculcates and encourages belief in and the practice of polygamy and polygamous cohabitation in violation of the laws of the State prohibiting the same, and in disregard of pledges made for its suppression; and

"*Third.* That the Senator, in connection with and as a member of such organization, has taken an oath of hostility to the Government of the United States incompatible with his obligation as a Senator.

“These are the main grounds upon which his exclusion is sought, each of which I propose to discuss in the order named.

“Touching the question of the domination of this organization through its governing body in political affairs, and its ‘interference with the functions of the State’ in spite of the constitutional inhibition, the evidence is most convincing. Before proceeding, however, to its consideration, and in order to measure its full force, it is important to bear in mind the dominating power of the president and the twelve apostles, and the influence they exert over their followers. The power exercised by this governing body, which, for brevity, is designated ‘the hierarchy,’ is far-reaching and commanding, holding in its grasp practically the entire membership of the organization, and through it the domination of the State, by arrogating to itself and inculcating the belief in its followers that they are endowed with supernatural powers as ‘prophets, seers, and revelators,’ and specially commissioned by the Almighty to dominate the affairs of this world, and that resistance to the will of this theocracy is rebellion against God.

“The testimony taken by your Committee fully sustains the allegation in the protest ‘that the Mormon priesthood, according to the doctrines of that Church, is vested with supreme authority in all things, tem-

poral and spiritual; and that the first presidency and the twelve apostles are supreme in the exercise and transmission of the mandates of this authority.' . . .

"One of the most serious charges urged against the right of the Senator to a seat in this body is that he is a member of the governing body of the Mormon Church, which assumes the right to exercise, and does exercise, a controlling influence over the membership of that organization in secular as well as spiritual matters, and so dominates in civil and political affairs as to effectuate, in fact, a complete union of Church and State, with the Church in the ascendant, in violation of the constitution of the State of Utah, and that the Senator's election was the result of such union and such domination. . . .

"The controlling influence of this hierarchy in secular affairs is most forcefully exemplified in its invasion of the public schools of the State, and by its edicts suspending their functions, and opening religious classes, where the youth are instructed in the doctrines of the Mormon Church by teachers in the common schools supported by State taxation, in violation of the express provision of the constitution that 'no public money or property shall be appropriated for or applied to any religious worship, exercises, or instruction,' and wherein the course of study prescribed by the ruling authorities of the Church for

these religion classes consists of the lives of the most noted polygamists in the history of the Mormon Church. That the hierarchy dominates in these matters is conclusively established by the fact that when this practice was disclosed before the Committee these religion classes were, by order of the hierarchy, discontinued.

“It will therefore be seen that while in spiritual matters its domination is practically supreme, yet in temporal affairs it seems to be equally potential. This is not surprising when it is remembered that the head of the organization is connected in an official capacity with a large number of the leading industries in the city of Salt Lake and throughout the State of Utah. . . .

“But it is further charged in the protest that this governing body, of which the Senator is a conspicuous and influential member, claims the right to dictate and control, and does dictate and control, the civil and political affairs of the State of Utah, resulting in the practical establishment of a union of Church and State, contrary to the express inhibition of the constitution. The evidence upon this point is voluminous and convincing.

“Since the admission of Utah into the Union, January 6, 1896, the people of the State of Utah have been, if possible, more completely under the domina-

tion of the Mormon hierarchy than during the long years of their territorial existence. Immediately, and at the very first election thereafter, the hierarchy resumed its domination in State affairs, taking possession practically of every official position in the State government, and has held them ever since with unyielding tenacity. As a Territory, its officials were appointed by the Federal Government, selected from outside the Territory, and, as a rule, were independent of and in no way connected with the Mormon organization, while as a State substantially every State official has been chosen from the membership of this organization. Every Governor, every Secretary of State, every State Treasurer, every State Auditor, and every State Superintendent of Education, has been an adherent of this organization. The only office held by a non-Mormon under the State government during the ten years of its existence, as an elective officer, has been the Attorney General. . . . There has never been a Legislature elected in the State of Utah since her admission into the Union that did not have a membership of more than two-thirds adherents of the Mormon Church, and therefore under its complete domination.

“Thus possessed of the instrumentalities of official control, it has dominated the State with an iron hand, and in its political dictation it has not only controlled

the affairs of the State of Utah, but has reached beyond the confines of the State and exerts a potential influence in shaping and directing the policies of States adjacent thereto.

“At the meeting of the first Legislature of Utah, committees were appointed by the officials of the Mormon Church to wait upon the Legislature with a view of dictating and supervising legislation. Early in the history of the State, the officials of the Church directed that the rank and file should divide on political lines, about equally, one-half going to one of the great political Parties of the Nation, the other half to the other, so that the entire strength of the organization could be cast to one Party or the other as the interests of the organization might demand. . . . It appeared in evidence before your Committee that candidates for office in the State of Idaho desiring success usually visit Salt Lake City, and arrange for their campaign with the leaders of the Mormon Church, and in this way the will of the Church is carried out. . . .

“But the interference by the leaders in the Mormon Church in political affairs has not been confined to Utah. In Idaho, the Mormons have for a number of years held the balance of political power, and have exercised the authority of the Church whenever the interests of that Church seemed to require it. . . .

“Nothing so completely shows the domination of

this Church in civil affairs as the adoption of what is commonly known as the political manifesto. A rule of the Church promulgated by the hierarchy in 1896 requires every leading official of the Church, before accepting any political position or nomination therefor, to take counsel of the Church officials and obtain the consent of the presiding officers in the priesthood. Such a rule precludes any member of that Church from serving the State or the Nation, either by appointment or popular election, unless he has been first designated by the hierarchy. Under this rule it is for the first presidency to say whether a high official can be a candidate or not, according to his will and that of the twelve apostles, and it is in evidence that the Senator himself was compelled to obtain permission of the Church before he presumed to announce himself as a candidate for the Senate. He was nominated by the hierarchy, and the selection ratified by the Legislature. No more cunningly devised scheme could possibly be concocted to put the Church in politics and make it potential therein than this. For, the moment it is known that a candidate has the endorsement of the Church and permission of the hierarchy to be a candidate, that moment he has back of him the whole power of the Mormon Church, and his election is assured.

"There has been no case in which a candidate for

a high office in Utah has obtained the consent of the Church to run and has been defeated, and there is no case in which one did not receive such consent and has been elected. The consent of the hierarchy is a command of the Church.

“The right of Senator Smoot to retain his seat in the Senate from the State of Utah is still further challenged upon the ground and for the reason that—

“‘He is a member of the governing body of the Mormon Church, commonly called “the hierarchy,” and that such governing body, with which he affiliates, so exercises its authority as to inculcate and encourage a belief in polygamy and polygamous cohabitation; that it countenances and connives at the violation of laws prohibiting these offenses in spite of pledges made for the purpose of obtaining statehood, and who, by all means in their power, protect and honor those who violate the laws of the land, and are guilty of practices destructive of the family and the home.’

“That the Senator is a member of such organization, holding therein the high office of an apostle, a position second only in dignity and power to the presidency itself, is conceded. It only remains, therefore, to inquire, under this head, whether this governing body does, as a matter of fact, so exercise its authority as to inculcate and encourage belief in the practice of polygamy and polygamous cohabitation, and

whether it countenances and connives at the violation of laws prohibiting such crimes, and if so, whether by being a member affiliating with and constituting a part of such governing body and participating in its counsels, the Senator has disqualified himself by reason thereof for membership in this body. These are the vital questions under this branch of the inquiry.

"So far as the continued belief in the rightfulness of polygamy is concerned by members of this cult, there is no conflict of opinion. Such belief has never been discarded. Of all the witnesses testifying before your Committee not one of high or low degree in regular standing in the organization declares an abandonment of his belief in the doctrine, and in so far as they make known their convictions they all affirm their continued adherence to it. In no single instance is it in evidence that any member of the organization, from the head of the Church to its humblest disciple, has renounced belief in the doctrine of polygamy. . . .

"Let us inquire, then, whether this hierarchy not only believes in polygamy as an abstract principle, but continues the practice of polygamy and polygamous cohabitation, and countenances the violation of laws prohibiting such crimes.

"The evidence upon this point is so complete and

overwhelming as to leave no doubt as to the truth of the allegation. It has passed beyond the region of controversy. The proof is indubitable that in spite of the manifesto of 1890 issued by the head of the Church, counseling the suspension of polygamy; in spite of the most solemn pledges made by the convicted and imprisoned leaders in order to secure amnesty for past offenses; in spite of the expressed inhibition of the constitution of the State under which they live and upon the faith of which Utah was admitted into the Union; in spite of the statutory prohibition of the Commonwealth,—it appears that a majority of the members of this hierarchy have continually and persistently lived in polygamy, and are today openly and confessedly defying the laws of the land prohibiting such crimes. The record is so shocking as to challenge credulity.

“The first witness called in behalf of the protestants was Joseph F. Smith himself, the head of the Church, who, from his position, would be more apt to be cognizant of the fact if it existed than anyone else, and could therefore speak with greater accuracy in relation to the continuance of these crimes. . . .

“The Committee was astounded to hear from this head of the Church itself not only that he believed in the rightfulness of polygamy as an abstract principle,

but that he himself was daily exemplifying his belief by living in open and notorious polygamy in the capital city of the great State of Utah, and had been ever since the manifesto, and, more than that, that he proposed to continue the practice so long as he pleased, defiantly asserting that 'the Congress of the United States has no business with my private conduct.' We were amazed to learn from this head saint and seer, this prophet and revelator, this mouthpiece of God, this shepherd of a patient and suffering flock, this convicted and amnestied offender against law and decency, whose faith and honor had been hypothesized for himself and his followers for the observance of the law, confess that he was now living with five women as his wives, and had been ever since 1890 in open defiance of divine and human statutes, and had had forty-three children, twelve of whom had been born to him since the manifesto. . . .

"Startling as was this disclosure, your Committee was astounded when it appeared in the investigation that not only was the head of this Church living in polygamy, but that a large number of his apostolic associates—at least eight of the twelve, including some of the very men who had petitioned for and received executive clemency for their crimes from two Presidents—had been ever since the manifesto, and were at this very time, living in polygamous cohabi-

tation with a multiplicity of wives, in defiance of law and in violation of their plighted faith and honor.

“This continued and open practice by the members of the governing body of this Church is sufficient of itself, I submit, to establish the truth of the allegation in the protest that ‘it so exercises its authority as to inculcate and encourage a belief in polygamy and polygamous cohabitation.’ For what, I submit, could be more persuasive in inculcating and encouraging belief in polygamy and the practice of polygamous cohabitation, than the force of example by those who are looked upon by their devotees not only as saints and prophets of God, but vicegerents of the Almighty? . . .

“But this is not all. The members of this hierarchy not only teach by example, but justify their conduct openly, and declare their purpose to continue the practice, the law of God and man to the contrary notwithstanding. . . . Mr. Smith denies the right of the United States to interfere with his private conduct as a citizen of the State of Utah touching the violation of her laws, affirming that he is amenable only to the laws of the State, and subject only to the jurisdiction of her courts. He evidently understands the strength of his position, that he can have five wives or fifty within the limits of the State of Utah, and that the United States has no power to interfere to suppress

the crime or punish the criminal. He knows that Congress has no power, and that the State has no disposition to interfere. . . .

“While it is undoubtedly true, as Mr. Smith declares, that ‘the Congress has no business with his private conduct,’ yet when he seeks to thrust a representative of a criminal organization into either House of Congress it then becomes the ‘business’ as well as the duty of the body to which he is accredited, to invoke for its protection that provision of the Constitution which imposes upon it the right to judge of the ‘elections, returns, and qualifications of its own members.’ . . .

“It remains to inquire whether the Senator, by being a member of this polygamous hierarchy, affiliating with and constituting a part of such organization, and participating in its councils, has disqualified himself by reason thereof for membership in this body. The contention is made that, conceding all the allegations against this governing body to be true, yet it in no way affects the right and title of the Senator to a seat in this Chamber. This is the crucial question.

“It was conceded by counsel for the Senator at the outset of the investigation that if he was a polygamist in fact, that, upon principle and precedent, would be sufficient ground for his exclusion; but the contention

is made that to be connected with and a member of a band of polygamists in no way exposes him to such condemnation. The consideration of this question necessarily involves not only the character of the hierarchy as a whole, its teaching and practice, but the conduct of the Senator as a member of that body in connection therewith. As to the character of the hierarchy itself, I think I am justified in saying, in the light of history and the testimony, that from the time Brigham Young and his followers entered the Territory of Utah in 1847 until this hour, the organization has been a criminal one. And what was the character of this hierarchy as a whole when the Senator became identified with it?

"At the time of the manifesto in 1890 every member of the first presidency, the president and his two counselors, together with the twelve apostles with but a single exception, was a notorious polygamist and living in polygamous cohabitation with a multiplicity of wives, from two to nine each. In 1896, the year of Utah's admission into the Union, the first presidency and the twelve apostles were unchanged, either in personnel or practices, all but one continuing in polygamy. In 1900, four years after Utah's admission into the Union, there was no change in the practice of the individual members of this governing body, except one of the apostles has ceased his polygamous

relations as the result of a divorce obtained from him by his legal wife. The only change in its personnel was the elevation of the senior Senator from Utah, in April, 1900, to fill a vacancy in the apostolate caused by the death of one of its members. It is important to note in passing that when the senior Senator from Utah became a member of this hierarchy, in 1900, the three persons of the first presidency were all polygamists, ten of the twelve of his apostolic associates were living in polygamous cohabitation, and that the Senator owes his elevation to the apostleship to the formal action of this body of polygamists. The very year and hour the senior Senator voluntarily identified himself with this governing body of fifteen men, fourteen of its number were living in polygamy, and the members of this hierarchy were then able jointly to muster a harem of sixty women whom they claimed, recognized, and cohabited with as their wives.

“To contend that the Senator, born and reared in Utah, and identified with the Mormon organization from childhood, instructed and nurtured in its doctrines, was ignorant of the character of this hierarchy and the criminal practices of its individual members, challenges belief, and would impeach his intelligence. He must have understood perfectly well the character of the organization, and the criminality of the members with whom he was to coöperate and commune.

The vital question, therefore, is, 'Can one become a member of and identify himself with a band of law-breakers, knowing them to be such, participate in their counsels and sustain them in their conferences, and yet escape all responsibility for their unlawful acts?' Such a contention will not stand the test of either law or reason. . . .

"The Senator's complicity in encouraging polygamy and polygamous cohabitation does not consist wholly in the fact that he is one of the governing body of that Church. By repeated acts he has, as a member of the quorum of the twelve apostles, given active aid and support to the hierarchy in its defiance of the statutes of this State and the laws of common decency, and in its encouragement of polygamous practices by both precept and example. One of the first acts of the Senator after his elevation to the apostolate was to assist by vote and influence in the elevation of Joseph F. Smith to the presidency of the Mormon Church, with full knowledge that he was living in polygamy. He has since repeatedly voted to sustain him, and even after full knowledge that Joseph F. Smith was living in polygamous cohabitation, and had asserted his intention to continue in this course in defiance of the laws of God and man. He aided in the selection of Heber J. Grant as president of a mission, when it was a matter of common notoriety that Apostle Grant was

a polygamist. He voted to fill a vacancy in the apostolate by the election of Charles W. Penrose, even after testimony had been given in the investigation showing him to be a polygamist. It is difficult to perceive how the Senator could have given greater encouragement to polygamy and polygamous cohabitation than by thus assisting in conferring one of the highest honors of the Church on one who has been and was then guilty of these crimes. As trustee of an educational institution, he made no protest against the continuance in office of Benjamin Cluff, Jr., a noted polygamist, as president of that institution, nor did he make any effort to discover the truth that said Cluff had taken another plural wife long after the manifesto, nor did he protest as such trustee against the election of George H. Brimhall, another polygamist, in the place of Benjamin Cluff, Jr.

“Since his election as an apostle of the Mormon Church, the Senator has been intimately associated with the first president, and with those who, with himself, constitute the council of the twelve apostles, and the fact that many of his apostolic associates were living in polygamous relations with a multiplicity of wives is a matter of such common knowledge in the community that it is incredible that the Senator should be wholly ignorant of the fact. Yet at no time has he uttered a syllable of protest against the conduct of

his associates in the leadership of the Mormon Church, but on the contrary has sustained them in their encouragement of polygamy and polygamous cohabitation, both by his acts and by his silence.

“Some of his more conspicuous acts in that regard have been adverted to, and his silence has been scarcely less culpable than his acts, for, in view of what has been said, it will hardly be contended, I think, that in order to render the Senator unworthy of a place in this body he must have been an active participant in the crimes of his fellow members in the hierarchy. Under the circumstances, his silence must be construed as giving his consent to the designs, acts, and course of conduct of those with whom he has been and is associated in the government of the Utah Mormon Church. . . .

“The question may well be asked here, ‘Is the Senate of the United States bound to admit to its membership one who shows his willingness to condone the crimes of the members of the hierarchy to which he belongs, and puts on a front of silence and ignorance, which is designed by him to encourage his associates in their nefarious conduct?’

“I will read what he is reported to have declared at the October conference of 1905. On the 6th of October, 1905, he addressed the seventy-sixth semi-annual conference of the Mormon Church, and the *Deseret*

News, the organ of the Church, reprinted his remarks as follows:

“I believe that the Latter-day Saints, who have the spirit of God in them, never had more confidence in a man or a set of men than they have in the presidency of the Church today.

“I am indeed thankful for my standing in the Church of Jesus Christ of Latter-day Saints (Mormon). When I study the history of the Church, I find that it is at all times the same. I am not ashamed of the power and position of the Mormon Church. I say to Joseph F. Smith today, this people will never turn against thee on the testimony of a traitor.”

“In view of the evidence and the law in this case applicable thereto, I do not see how the contention can be successfully maintained that the Senator is entitled to a seat in this Chamber. Suppose the Senator, instead of having his credentials presented by a fellow-member, had offered the same in person, and said to the Senate, ‘I desire to be entirely frank with this body, and therefore I wish to state that while I hold the certificate of election from the Legislature of the State of Utah in due form, yet the Senate should know that I am a member of the Utah branch of the Mormon Church and one of its twelve apostles, so-called, who, with the first presidency, constitute a self-perpetuating body of fifteen men and the ruling

authorities of such Church; that while I am not a practicing polygamist, yet a majority of my associates are, and are now and have been living in polygamous cohabitation ever since the manifesto; that the head of the Church, Joseph F. Smith, is today living in polygamous cohabitation with five women, by whom he has had forty-three children, twelve born since the manifesto; that he openly avows his purpose to continue such practice in defiance of all law, human or divine; that no one high in authority in the Church is permitted to be a candidate for or accept a public office without first obtaining permission from the Church, and I received such permission from Joseph F. Smith, the head of the organization, before becoming a candidate for the Senate, without which permission I could not have been elected; that the Legislature electing me was composed of a majority of the adherents of the Mormon Church; that I sustain President Smith at every conference of the Church, and have never questioned or protested against his course of conduct, and, while not advocating polygamy, I have never preached against it; that we interfere with the functions of the State, and that I am obligated to avenge the death of the prophet, Joseph, and to enjoin its observance upon my children.' Had the Senator made such a statement to the Senate upon his first appearance, what Senator would have voted for his admission?

“With this state of affairs disclosed by the testimony now before the Senate, and upon which the report of the Committee is based, what Senator can conscientiously vote for his retention?

“Another and final reason assigned why the Senator should not retain his seat in the Senate is that, as a member of the Mormon organization, he has taken an obligation incompatible with his oath as a Senator of the United States, and is thereby incapacitated from faithfully performing the duties of a Senator. There is no question but that this organization at some time in the course of its history, and under the administration of some one of its presidents, probably Brigham Young, was converted into a secret organization with signs, symbols, and oaths. A ceremony is performed in secret, called ‘taking the endowments,’ and there is no question but that the Senator took these endowments and oaths, and that they are continued until today, and are a part of the regular ceremony of the Church. Many witnesses testified in a general way, with more or less particularity, as to the nature of these obligations, but Professor Wolf, of Brigham Young College, having been present when the obligation was administered many times, the last occasion being as late as 1904, gives in exact words the obligation as follows:

“‘You and each of you do covenant and promise

that you will pray, and never cease to pray Almighty God to avenge the blood of the prophet upon this Nation, and that you will teach the same to your children and to your children's children to the third and fourth generations.'

"The fact that such an obligation is taken by those who go through the endowment house is unquestioned, and is of such a character as to force the courts to hold that it was a bar to citizenship. . . .

"Every witness before the Committee belonging to the Mormon faith now in harmony with the Church, from the president down, including the Senator himself, refused to disclose the obligation. If the oath administered in the endowment house and assumed by the Senator is of such a character as to bar an alien from citizenship in the United States, by what process of reasoning does the same oath become a passport to a seat in the Senate of the United States?

"In the light of all the testimony in the case, it is submitted that the material portions of the allegation in the protest against the right of the Senator from Utah to a seat in this Chamber have been established." . . .

After four years of contest, the Senate finally took the deciding vote upon the question of permitting Reed Smoot to retain his seat, and the result was in his favor forty-two to twenty-eight. The case passed

into history with the understanding that forty-two members of the United States Senate took a technical view of the situation which protected Smoot, even though it was proved beyond question by the evidence that he was placed in his position by the influence of the Mormon hierarchy. The real "technicality," however, which finally prevailed, was the fact that the Republican Party had strong need of the nine electoral votes of Utah, Idaho, and Wyoming, in the coming election, and it should be recorded that the force and influence of the Administration were exerted to their utmost in order to accomplish this desired end. That this attitude and action by his own Party was a disappointment and a mortification to Senator Burrows is beyond denial; but his acceptance of it is only another evidence of his personal devotion to the ideals upon which he believed the Republican Party to rest. Again we hear his wonderful voice proclaiming that political creed which he uttered first in 1872: "I am proud to be numbered as one of the members of the great Republican Party . . . and let me assure you that nothing of any private character; no personal grievance however great; no personal matter however it may wound my pride,—nothing shall ever drive me from the ranks in that grand old Party." To Burrows it was still the Grand Old Party, even though he questioned the acts of individual members high in Party

power and influence, even though he questioned the ethics which placed Party advantage over what he considered National honor.

An excellent description of the scene in the Senate at the time the vote was taken is given in the *North-western Christian Advocate*, under date of February 27, 1907:

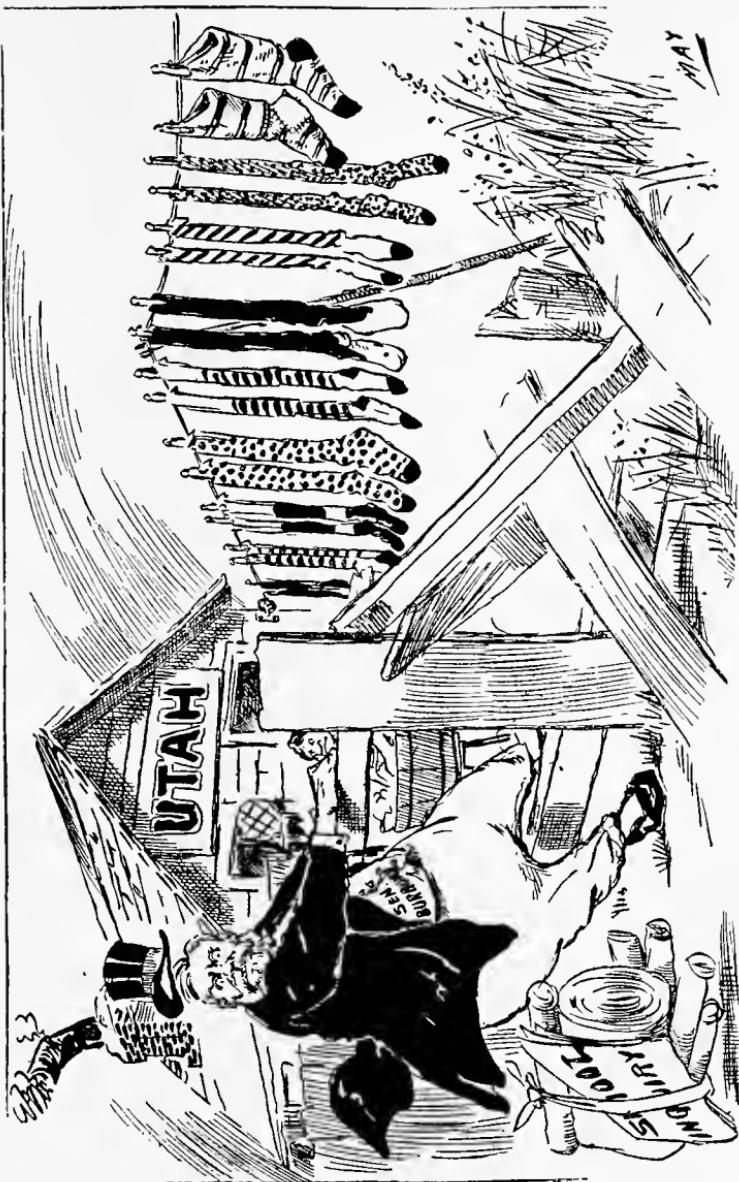
“Last Wednesday was a dark day in the history of the American Republic. Senators and spectators seemed to realize that they were in the presence of a momentous event—an event that may revolutionize the social and political life of the Nation. In the Chair was the vice-President of the United States, Hon. Charles W. Fairbanks, by nature dignified in manner and kindly in tone, as was befitting such an occasion. His presence recalled the fact alluded to by one of the Senators, that Mr. Fairbanks, during the campaign of 1904, when a candidate for the high office which he now holds, in a public speech in Salt Lake City, the center of Mormon power, boldly rebuked polygamy, and eulogized the American home with one wife presiding over it. His example of moral courage might well be followed by all public men.

“Every Senator able to be present was in his seat, and the Senate Chamber was crowded with Congressmen and other distinguished persons, desirous of wit-

nessing what some of them at least realized to be an epochal scene.

"The galleries were filled to their utmost capacity, and many were in the corridors hoping to secure admission. Among those present were hundreds of women, representing millions of members of the religious and social women's organizations of the land, who in the name of and for the honor of American womanhood had protested against the seating of Reed Smoot, not because of objection to him personally or to his religious beliefs, but for what he represented. . . .

"The vote upon the resolutions relating to Mr. Smoot was preceded by a number of speeches on both sides of the question. Of these, four were notable. They were by Senators Hopkins and Knox in behalf of Mr. Smoot, and by Senators Burrows and Dubois against him. President Roosevelt is reported to have complimented Senator Knox upon his speech, and both his speech and that of Senator Hopkins are worthy of high compliment. So were the great speeches of John C. Calhoun and Hayne, and the argument of Chief-Justice Roger B. Taney in the case of Dred Scott, but like the arguments of Calhoun and Hayne and Taney, the arguments of Hopkins and Knox would wreck the moral life of the Nation. They exemplified the Scripture, 'The letter killeth; the spirit giveth life.' Such strict adherence to the letter



SENATOR BURROWS:—"S-H-H-H! HERE'S WHERE WE GET THE PROOF!"
CARTOON FROM THE DETROIT "JOURNAL".

1904

of the Constitution by the Senate in 1861 as was announced by some Senators as the reason for their action in the Smoot case, would have rendered impotent the hands of Abraham Lincoln, and divided the Nation.

“The great speech upon the case was made by Senator Burrows of Michigan. While the speeches of Senators Hopkins and Knox are to be compared to those of Calhoun and Hayne and Taney, that of Senator Burrows is to be compared to the great speeches of Daniel Webster. While defending the ideal American home, Mr. Burrows was also defending the sovereignty of the Nation. That speech will not be buried in the pages of the *Congressional Record*. It will be read by the women of the land as no speech ever before delivered in the halls of Congress has been read. It was masterly in its simplicity and strength, and it showed the fallacy of the arguments for the admission of Smoot.

“History will vindicate the position of Senator Burrows as it has vindicated Webster in his replies to Calhoun and Hayne, and record the fallacy of the contention of Senators Hopkins and Knox as it has recorded the fallacy of the contention of Chief-Justice Taney and his associates of the Supreme Court in the Dred Scott decision.”

The results of the investigation, while not crowned

with success as measured by the actual fulfilment of its avowed purpose, still accomplished much in the great cause which underlay it all. Polygamy received a staggering blow from which it never recovered, and the door was opened wide for the drastic reforms which the last ten years have shown.

“As Chairman of the Senate Committee,” said the *Grand Rapids Herald*, when the result of the vote was announced, “Senator Julius Cæsar Burrows is entitled to the country’s gratitude for the fearlessness of his investigation, for the thoroughness of the work he did in behalf of good morals and right principles. To Senator Burrows was due largely the exposure of the iniquities of Mormonism, and even though he did not succeed in keeping this apostle from the Senate, it is safe to say that what he did accomplish will go a long way toward preventing any evil following. The Mormon scandal is subdued instead of being defiant, and will hereafter be very humble instead of flaunting itself in the eyes of the world. Reed Smoot will retain his seat, but it may be questioned if the Mormon Church will ever again dare to experiment with the patience of the American people. Senator Burrows accomplished this, and it is much.”

CHAPTER VI

LATER YEARS IN THE SENATE. 1899-1905

THE second period of Burrows' career in the Senate found the country facing new conditions and unwonted responsibilities. The war with Spain had placed Cuba, Porto Rico, and the Philippines at our disposal. Hawaii had been annexed, and America for the first time in her history held colonial possessions. This new era caused questions of foreign policy completely to overshadow the earlier domestic problems which had divided the Parties, and introduced an element of uncertainty as to the effect which the attitude assumed by the Republican Party toward these new questions might have upon the people at large. Burrows voiced the situation in an able article published in the *Forum* in October, 1899, while discussing the bearing which the State elections might have upon the coming Presidential election of 1900:

“So far as old issues are concerned,” he wrote, “they can be formulated at any moment with absolute accuracy; but the new problems now in process of solution, growing out of the war with Spain, cannot at present be even stated, with any degree of accuracy

and intelligence, as they will probably present themselves a year hence for the public judgment. A year of history is to be written, a Congress is to be held with all its infinite possibilities for good or mischief, the fate of our armies in the Philippines, the experiment of an independent nationality for Cuba, and the inauguration of a territorial government for Hawaii and Porto Rico—all these questions, of great and far-reaching import, must necessarily present an entirely different aspect from that which they present today. It is to be hoped that by the time we enter upon the great Presidential struggle of 1900, with all its momentous issues, the inhabitants of Cuba will have demonstrated their capacity for self-government, and be able to enter upon and maintain an independent sovereignty without the support or defense of American arms; that Hawaii and Porto Rico will be in full possession and enjoyment of the blessings of local self-government, not unlike that now accorded to the other Territories of the United States; and that our armies in the Philippines will have been so far successful as to give reasonable promise, if not to insure the early realization of the President's hope and expectation, that there is to be established in these islands 'peace first, then a government of law and order, protecting life and property under the Stars and Stripes.' If such should be the condition of affairs in our newly-

acquired possessions a year hence, which may now be reasonably anticipated, it would be exceedingly difficult at that time to formulate an issue in relation thereto which would command public attention; and the cry of 'imperialism,' then, would be like the dismal sound of a fog-horn in clear weather. . . .

"To my mind the conditions now, in many particulars, are not unlike those of '62. Great and momentous questions of public policy, involving the future welfare and possibly the stability of the Republic, are in process of solution. Touching these, the Administration has clearly foreshadowed its policy, the wisdom of which can only be made to appear by the result which shall ultimately be attained.

"Hence it seems to me, in the light of reason and experience, that the State campaigns of this year cannot possibly be conducted upon National issues as they will be presented next year, and that the result of these elections, therefore, will give no safe indication of the probable outcome of the approaching Presidential contest.

"When that struggle is upon us it is to be hoped that many, if not all, of these new and vexing questions will be either settled or so far advanced in the process of solution as to give clear indication of the final result; and then, and only then, in the clear and steady light of that hour, will it be possible to invoke

the mature, considerate, and intelligent judgment of the American people."

No attempt was ever made to deny that the Philippines were a source of perplexing anxiety to those upon whom devolved the responsibility of determining their future. England was particularly solicitous that the Islands should come into the permanent possession of the United States. With the Philippines and the Sandwich Islands under the American flag, with the probability of an Anglo-Saxon alliance, and with the moral certainty of American support in case of a disruption in a European peace, England considered herself to be in a much better position to dictate terms in the Orient and to control the division of the spoils which must inevitably follow the passing of the Chinese Empire.

The cry of Imperialism, and the difficulty which the American forces had to subdue the natives during the early occupancy of the Islands, gave the opponents of the Administration, and particularly the Democratic Party, the only points on which to attack the Republicans in the coming election. That Burrows clearly foresaw the possibility of the use which might be made of the situation is shown in comments made in August, 1899:

"It is my judgment," he said, "that if the war in the Philippines is still in progress next year, and the

end isn't then in sight, the situation will be to the disadvantage of the Republican Party. The only hope for the Party, and country I might add, is in a speedy change in conditions in the Philippines. Unless the war in the Philippines speedily ends it will become an important political factor, and its continuance will make the outlook for Republican success uncertain, to say the least.

"It is always better for a political Party to under-rate rather than to exaggerate its strength. It used to be said of the Republican Party that in order to do its best and make sure of victory it must either be 'scared or mad.' A year must elapse before the opening of the Presidential campaign, and in that time many things bearing on Party prospects may happen. It may, and every citizen of the United States is assumed to hope it will happen that early in the coming year, while Congress is in session, the Tagal insurrection will be crushed, and all the people of all the Philippine Islands will cheerfully submit to the authority of the United States. In that event, the forebodings of Republican statesmen would give place to confidence, and the Philippines would figure in the Presidential campaign chiefly in the shape of a question touching our future relations with their inhabitants.

"But if the summer of 1900 should find the resist-

ance of the Tagals unsuppressed, our soldiers still fighting, the list of casualties swelling, and the Treasury deficiency increasing, the outlook for Republican success would at least be uncertain. In that contingency all the political capital that some scores of Republican newspapers have been putting into the hands of the opposition will be used effectively. All the exploded calumnies on the conduct of the war of 1898, vicious, malignant falsehoods that have filled the columns of Republican papers, will return to plague their original exploiters and to make votes for the Democratic candidates. There will be a large accumulation of Anti-Expansion literature from Republican sources that will be extremely helpful to the Democrats. There will be speeches and interviews from each of the three illustrious New England Georges—George F. Edmunds, George F. Hoar, George S. Boutwell. These venerable fathers of the Republican Party will be compelled to speak by proxy against the policy of the McKinley Administration to millions of voters in their homes and at campaign rallies in every township in all the States. And that sort of ammunition is a power not to be despised in a political fight. Add to this, the disgruntlement of disappointed office-seekers and of many middlemen whom the trade combines have thrown out of employment and who will want to get revenge on somebody,

and one can easily see what the Republican campaign will be if there is continued fighting in the Philippines."

Under these circumstances, the Republican leaders took no chances of having the new problems prove a rock upon which the Republican ship might even accidentally be wrecked. McKinley was renominated on June 19, 1900, with Theodore Roosevelt as the vice-Presidential candidate, on a platform declaring for a gold standard, ship subsidies, an Isthmian Canal built and protected by the Government, independence for Cuba, and as large a share in self-government as possible for Porto Rico and the Philippines. The Democrats named W. J. Bryan and Adlai E. Stevenson, denouncing Imperialism, the retention of Cuba, and trusts; demanding free silver, the Canal, the independence of the Philippines under our protection, and territorial government for Porto Rico.

Burrows was in great demand during the campaign, as his ability as the expounder of the new policies was considered superior to that of any other member of his Party. Senator Chandler tried to draw him into his personal difficulties in his New Hampshire canvass for reëlection, but Burrows felt that the National campaign was of too vital importance to permit personal considerations to interfere. The attitude of the Party on the Chandler fight, however, is shown by the fol-

lowing letter received by Burrows from Senator Hanna under date of July 17, 1900:

From Senator M. A. Hanna

CLEVELAND, OHIO

MY DEAR SENATOR:

It is rumored here that you are going to New Hampshire to help Senator Chandler in his fight. I hope this is not true, as the men who are of most help to us in the campaign are not friendly to Mr. Chandler, and anything which would look like a too active interest or endorsement would be of injury to us. I write you this, of course in the strictest confidence. . . .

Chandler's letters to Burrows throw a side light upon the political situation at that time which is interesting:

From Senator William E. Chandler

CONCORD, NEW HAMPSHIRE, September 11, 1900

MY DEAR MR. BURROWS:

Since my letter to you of September 1, events have transpired confirming my fear that the present agents of the railroad company of this State intend to spare neither pains, passes, nor money, to defeat me. Our Republican State Convention was held today, and Mr. Alfred T. Batchelder was appointed chairman of the Committee on Resolutions. To the Committee I submitted a resolution, as follows:

Resolved, That free railroad transportation given to specially selected individuals or classes is contrary to the principle of equality of right for all citizens upon the public highways; and when used to control political nominations and elections, and to secure or defeat legislation, is destructive of free suffrage and honest government.

Therefore, the State law making free passes unlawful, except to railroad employees and persons in poverty, should be re-enacted, and suitable penalties provided for its enforcement.

The Committee rejected this resolution, and reported no declaration whatever against free passes, but did report a pledge as follows:

“We pledge ourselves to oppose every attempt to re-establish silver as standard money.”

The whole platform was adopted by the convention without a dissenting voice.

My reason for not publicly objecting to the foregoing pledge will be stated later in this letter.

Of course, I will never oppose an attempt to restore silver to the position of standard money by an international agreement. I do not join in the pledge of the platform. I adhere to the promise of the platform of 1896 as to international bimetallism, “which we pledge ourselves to promote,” unless a reverse pledge to oppose on all occasions any international

agreement is to be inferred from the Philadelphia platform of 1900,—which I did not think was its meaning before the New Hampshire resolution of one hour ago was adopted.

It is clearer than ever to me that any opposition to my re-election, alleged to be on account of my adherence to international bimetallism, is insincere, and a mere movement against me because I have opposed free passes on railroads. Supplementing the proceedings of the railroad managers, mentioned in my letter of September 1, those managers went on to take great pains to control the State convention of today. Mr. Alfred T. Batchelder is a railroad attorney, and is the same person who in the Legislature of 1897 directed the passage, under a suspension of the rules, of a Bill adding to the provisions of the State law allowing free passes to be issued to paupers, the words "and others," thus making unlimited free passes lawful; explaining that the Bill "was designed to make legal the issue of free passes to members of the Legislature."

From this fact, and a hundred others, it is shown that the opposition of the railroad agents to me on the alleged ground of my adherence to bimetallism is an attempt to make a false issue. If they publicly gave the real reason, they know they would thereby elect me; so they give the fictitious reason. They well

understand that I would never vote against an effort by international agreement to restore silver to the position of standard money. Therefore, they make the State convention refuse to declare against free passes, and make it pledge the Republican Party against international bimetallism; thereby defeating my re-election for false reasons.

It only remains to add that the reason why I did not today publicly oppose the adoption of the clause in Mr. Batchelder's platform, and make the declaration that I would not on any occasion vote against an effort to obtain international bimetallism, was solely from a desire to avoid any debate in the convention which would either in New Hampshire or elsewhere lessen the enthusiasm for the National ticket of McKinley and Roosevelt. The convention, through railroad influences, would have adopted the clause, notwithstanding the objection I might have made that the declaration against any attempt to re-establish silver as standard money was an impolitic attack upon the late Currency Bill and the Philadelphia platform. But I now immediately declare to you that, notwithstanding the New Hampshire pledge, I shall advocate the restoration of silver to the position of standard money whenever it can be so done by international agreement, or with safeguards of legislation as to preserve the parity of the coins of the two metals; and

in due time, when it will do no harm in the pending canvass, I shall make public the facts stated in this letter.

From Senator William E. Chandler

WATERLOO, N. H., September 24, 1900

MY DEAR MR. BURROWS:

I have your letter of September 17th. The present situation of my case is shown by the enclosed memorandum. The railroad people are, I think determined to defeat me, and of course it will be very difficult for me to oppose their money, free passes, and subterfuges. I shall do the best I can, but the subject is not a National one, and should not engage anybody's attention as long as McKinley and Roosevelt are in danger.

Gavett undoubtedly understood the Portsmouth man to make the statement which he did as to Senator Clark's purpose to send \$100,000 into this State to defeat me. The danger is, however, that the Portsmouth man would deny it, and Clark would also deny it, making two against one. The evidence as yet is not absolutely clear that Senator Clark made those declarations.

I see that Clark has come home again. I hear that the fight in Montana is very bitter. The Clark people have it all their own way in most of the local conventions, and, as you have seen, carried the State

convention, sixty-five Daly men bolting. The only way in which the Daly people can defeat Clark is to throw the State into Republican hands, and that they mean to do. I hope to see Mr. Daly in New York this week, where he has been, quite sick.

As to the National result, I cannot doubt that McKinley will be re-elected, although now is the crucial time, with the strikes to trouble us. Under those conditions, the declaration of the N. H. Republican State Convention, made in order to enable them to defeat me, that we will oppose any attempt to secure international bimetallism, was a blunder which will be treated as a crime if McKinley is defeated. But somehow I cannot frighten myself about the National result.

I will write you if there is anything new. I hope you are having a good canvass; that is to say, that your speeches suit yourself as well as your auditors. I have no doubt you please them. . . .

Memorandum from Senator Chandler

“It is now clearly apparent that if I am not re-elected my defeat will be due solely to (1) my opposition to free railroad passes and the corrupt control by the railroads of politics in New Hampshire; (2) my hostility to political assessments upon federal office-holders in criminal violation of the laws of the United

States; and (3) my continuing pledge to make efforts to re-establish silver as standard money through an international agreement."

In summoning Burrows to Idaho, Senator Shoup, Chairman of the Committee on Territories, wrote:

From George L. Shoup

BOISE, September 13, 1900

MY DEAR SENATOR:

On behalf of the Republicans of Idaho I extend to you an earnest invitation to take part in our campaign this year. Since her admission and prior to 1896 Idaho has ever been a Republican State. Upon the Silver issue the Democratic Party carried the State in 1896, and, by a greatly reduced majority, in 1898. This year the Republicans are making a supreme effort to regain control of the State, and, I am pleased to say, with flattering prospects for success. What is most needed to give us success is the proper presentation of the great questions which war has forced upon us for solution. That the Democratic and Populist Parties consider Idaho a doubtful State is clearly shown by the fact that they are sending many of their ablest campaigners into the State.

We feel that you are one of the men who can most aid us, and we sincerely hope that you can spend a portion of your time during the campaign in visiting us. . . .

From Topeka, Kansas, E. S. Quinton wrote, after Burrows' visit there: "You delivered the best political speech I ever listened to, and you made a hit. You did more, too, than any one that has ever been here, and the people here are yours, and I hope that you will be able to come back and tour the State"; and after the election Senator McMillan wrote to his junior colleague: "I wish you could have heard what they said about you in the Upper Peninsula. You made a ten-strike there."

McKinley was triumphantly re-elected, and the people thus placed their continued stamp of approval upon the progressive policy of the Republican Party. McKinley began his second term under the most brilliant auspices: "It was McKinley, the National President, standing before a reunited Nation from which sectionalism had been driven away; a President whose judgment had been vindicated and his principles approved; a President returned to power with the confidence and good-will of the wise and patriotic men of all Parties. The great problem of the Currency had been solved, and the National credit re-established on a satisfactory basis. Idle mills had resumed their functions, labor was employed, exports had reached a volume in excess of those of any other nation, and the whole country teemed with active productivity. The promises of the Party leader had been more than fulfilled.

But these had been overshadowed by new responsibilities. The Nation had become a world-power. International questions, which in previous Administrations had rarely come to perplex the occupant of the White House, were now matters of almost weekly occurrence. These were questions not of Party politics, but of National policy. The changed condition was profoundly realized by the President, who said to his secretary with deep emotion: 'I can no longer be called the President of a Party. I am now the President of the whole people.' "¹

The re-election of McKinley was peculiarly gratifying to Burrows, for between the two men existed a deep friendship which had begun during the Civil War. Burrows' admiration for him was unbounded. His confidence in him as an exponent of Republican principles was supreme. With four years more in which to carry out the epochal program which Destiny had planned for him, Burrows believed that McKinley would go down in history as the greatest President the Nation had ever had. And beyond all this, opportunity had already come, and the glory was sure to fall upon this man, his friend! When, therefore, the assassin's bullet accomplished its awful purpose in Buffalo on September 6, 1901, Burrows felt the blow more perhaps than any one outside the family. The

¹ *Olcott: "Life of McKinley," volume II, page 995.*

pain of Garfield's tragedy came back to him with redoubled force, for McKinley was even more intimately his friend than the former martyred President. With the first news of the sad event Burrows hastened to Buffalo, remaining by McKinley's side throughout the falsely-hopeful period, and being the only one outside the family except Senator Fairbanks who was at his bedside when he died.

By the time Burrows returned to Washington in December, to take his seat in the Fifty-seventh Congress, much had occurred of international import. President Roosevelt had seized the reins of government with a firm grasp. The Supreme Court had rendered decisions which left a free hand for legislation in regard to unforeseen colonial administration, and the Senate had laid before it for ratification a treaty with Great Britain which granted the exclusive right of construction, regulation, and management of the Isthmian Canal, under a guarantee that it should be neutralized and open to all vessels on equal terms, and should not be blockaded; that it should enjoy immunity from attack; and that no right of war should be exercised or act of hostility committed within it.

Roosevelt's first message to Congress outlined a program of legislation more elaborate and more mandatory in its nature than any which had previously been placed before it, but as Congress could but ap-

prove the President's policy it accepted his judgment and leadership. Chief upon this program was the necessity of planning a civil government for the Philippines, and as Burrows had been appointed a member of the Committee on the Philippines, together with Senators Lodge, Allison, Hale, and Proctor, he responded to the responsibility with characteristic energy. It fell upon him, therefore, to appear before the Senate during the consideration of the various questions which arose in connection with our new possessions. As was the case in all subjects in which he interested himself, he made himself an authority, and his utterances on any Philippine question are to be accepted with a stamp of finality, taking into consideration the position from which he spoke.

On February 19, 1902, he said before the Senate, among other things: "Wisely or unwisely, as the result of the outcome of our war with Spain, we took upon ourselves the sovereignty of the Philippine archipelago voluntarily, freely, and hold it today by a title deed that cannot be challenged or impeached by any court of Christendom. In taking upon ourselves the sovereignty of those Islands we became responsible for other governments, not only to the inhabitants of the Islands but to the nations of the whole world. . . . It is an unexplored field fraught with perils, perchance, but surely of tremendous responsibilities.

Human wisdom and foresight cannot penetrate the future. We only know for the present that to abandon these Islands now, and turn them over to warring factions within, the assaults of designing enemies from without, to desert a people dependent upon us to be led in the paths of peace and order and stable government, would be the master crime of the centuries."

Burrows was in favor of the Philippine tariff, which applied all the provisions of one already in force with foreign countries, but provided a reduction of one-fourth for articles which were produced within the archipelago. All of the proceeds were to go into the Philippine treasury. Later, as we shall see in another chapter,¹ when the Philippine tariff threatened the interests of the beet-sugar growers in Michigan and in other parts of the country, Burrows stood strongly forward, even against his own Party workers, in forcing the tariff to be moulded on the basis of the well-known Republican Protection lines.

Senator Burrows was prominent during this session as an advocate of a constitutional amendment which should make it forever impossible for a recurrence of such a condition as forced a consideration of the Quay case upon the Senate. The idea, as he first promulgated it, was not what we now know as the straight primary elections, but simply took a step in

¹ See page 247.

this direction by making it imperative for the Governor to call for a popular election for United States Senator when the State Legislature, after having an opportunity to fill a vacancy, had adjourned without so doing. Burrows said: "The present system of electing Senators by the Legislature has been found by experience to be defective in that States are frequently left without representation. A notable case of this is seen in the State of Delaware today, which, by reason of the failure to make a choice of Senators last winter, is left entirely without representation in the States Senate. Under the Constitution of the United States, as interpreted by the Senate since its organization, the Governor of a State cannot fill these vacancies, and therefore the seat must remain vacant until the next meeting of the Legislature, and if that fails to fill the vacancy it must continue until some Legislature is found that will perform its duty and consummate an election. That, of course, is a glaring defect, and could not possibly have been foreseen by the framers of the Constitution. It could not have been supposed that the Legislature of a State would fail to perform its duty and elect Senators as commanded by that instrument, but it seems that personal rivalry and ambition are sometimes carried to such an extent as thus to deprive a State of any representation whatever in the Senate."

As early as the Fifty-second Congress, and at intervals thereafter, this question of primary election of Senators had received scanty consideration in Congress, and it was not until Burrows forced the question of a consideration on the part of his colleagues, being able to give special weight to his proposition because of his position as Chairman of the Committee on Privileges and Elections, that it was possible to find out just where the various Senators stood. Burrows tried to do some outside missionary work, and obtained half-hearted expressions of opinion from his colleagues. The following letter, for instance, from Senator Hoar, would seem to indicate acquiescence, yet when the matter came to a vote for consideration Senator Hoar was one of the strongest in opposition:

From Senator George F. Hoar

WORCESTER, MASS., *August 30, 1901*

MY DEAR MR. BURROWS:

I am glad you are to give such careful and thoughtful attention to the great subject of the preservation of the character and quality of the Senate. It is manifest that you will have next Winter a commanding position in its disposition. I shall be very glad to exchange views with you, and to put at your disposal whatever I can about the matter.

I suppose you have seen and considered the proposition to do what can be done by statute easily; that

is, provide that after a certain number of ballots in the Legislature, no person having received a majority, the election shall be made by plurality. That, I suppose, can be accomplished by Act of Congress. I suppose that Congress has the same constitutional power to do that that States have to provide for electing Representatives by a plurality of the popular vote, and that Congress would have if they saw fit to use it. The election by plurality is a well-known method of electing public officers, and under the power to provide the manner of electing, I suppose Congress can determine which of the two well-known methods shall be pursued. If this could be agreed upon, it would go far to solve the whole difficulty, and, I think, to remove the popular discontent. But I suppose I must infer from your letter that you are not entirely satisfied with that method of meeting the popular expectation.

I do not think there would be any serious objection to the constitutional amendment proposed by you. On the other hand, it would have a great many advantages. I am very much afraid that if it were proposed by the Committee it might get amended in the Senate so as to substitute for it the naked proposition of the election of Senators by the people, which, as you are well aware, I think would be very bad indeed.

I suppose after the new committees are made up there will be an opportunity quietly to get at the senti-

I am, with high regard, faithfully yours,

GEO. F. HOAR

The House passed, without division or discussion, Senator Burrows' proposed amendment to the Constitution, but in the Senate Mr. Depew offered the following interesting amendment: "The qualification of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation, and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result."

In other words, if Senators should be elected by the people, Mr. Depew proposed that the negroes of the South should not be disfranchised, and that supervision of voting should be placed in the hands of Congress. As soon as the people were allowed to vote directly for Senators there was no judge of qualification unless Congress stepped in and assumed that duty.

This action of Senator Depew's was at once recognized as a polite method of killing the proposition, as it naturally stirred up the Southern States to intense opposition. Depew's amendment was adopted in committee by a majority of one, Burrows voting with

the Democrats. On May 27, 1902, Burrows reported to the Senate that the majority of the Committee was opposed to the House resolution for the election of Senators by the people; that a majority of the Committee was in favor of Depew's amendment; and finally that the majority of the Committee was opposed to the resolution as amended.

This put an end to the proposition for the time being, but Burrows had given the subject the most vigorous championship which it had received since its earliest consideration, and his activity paved the way for more definite and more favorable action when the people finally became too strong in their demand for the Senators themselves to deprive them of their rights.

While the constitutional amendment was under consideration, Senator Burrows was walking through the marble room, when William J. Bryan stopped him.

"Senator," said he, "I understand you favor the election of Senators by the people."

"I have always voted that way," replied Burrows.

"Well," continued Bryan, "I hope your Committee will soon report the resolution so that the Senate can act upon it. It isn't often that I agree with a Republican, but I am with you in this."

"Colonel," said Burrows, half in jest and half in

earnest, "the fact that you are for it makes me wonder whether I may not be in the wrong, after all."

Burrows appeared much less frequently upon the outside platform during the Senate period than during his career in the House, but he never could decline an invitation to speak in honor of Grant. On April 26, 1902, he was the guest and principal speaker at the banquet given by the Grant Monument Association in memory of the hero's birthday. Burrows' analysis of victory, as expressed during this speech, demonstrates the fact that his eloquence was in no way affected by the fact that he was less called upon to exercise his gift of oratory:

"The victory was something more than a triumph of arms," he said; "something more than the liberation of the slave; something more than the preservation of the Union; and something more than the restoration of peace. Important and beneficent as were these results, yet the victory had a broader and more enduring significance. It changed the whole trend of public thought and action, and set the Republic on a new course.

"The War of the Rebellion was the natural and legitimate outcome of conflicting public opinion as to the character of the government formed by the fathers. From the beginning, the American people were di-

vided into two hostile camps, sometimes belligerent, always irreconcilable. It was contended by the advocates of State sovereignty that whenever the National Government attempted to exercise authority which in the judgment of the State was in violation of the Constitution of the United States, it was within the province and power of the State to declare such act unwarranted, and resist its enforcement.

"This doctrine took form and expression in 1798, in opposition to the enforcement of the alien and sedition laws. The State of Virginia, under the leadership of Madison himself, declared these enactments unconstitutional, and that it was the right and duty of the State Government to resist their enforcement. Kentucky, under the leadership of Jefferson, echoed the same sentiment, and declared 'nullification the rightful remedy' for such encroachment by the National Government.

"Many of the foremost men of the times were openly in harmony with these views. Here in the very beginning were sown the seeds of discord and disunion which ultimately brought forth the bitter fruits of civil war. This issue not only gave rise to Parties, but on more than one occasion threatened a dissolution of the Union itself. The projected Northern confederacy, composed of the five New England States, with New York and New Jersey, in 1803; the

contemplated Southwestern empire, under the leadership of Aaron Burr and his adherents; the threatened revolt of New England over the Embargo Act; the nullification of South Carolina in 1832, and the great rebellion of eleven States in 1861, were all the result of this early teaching, and the belief that it was one of the reserved rights of the State to nullify any enactment of the National Government which in the opinion of such State encroached upon its authority.

“It was this question which had disturbed the peace and threatened the stability of the Republic from the beginning. It was, indeed, an irresistible conflict, which no compromise could adjust or diplomacy postpone. It baffled all statesmanship, defied the judgments of courts, and the only recourse left was the arbitrament of the sword. Grant was triumphant. It was a victory for the centuries. It settled for all time the sovereignty of the Nation. The right of a State to secede will never again be asserted in the forum or on the field. The victory made us one people, under one flag, and insured a future of prosperity and power unexampled among the nations of the earth.”

To the biographer, one of the most interesting phases of Burrows’ utterances is the far-sightedness of his suggestions upon many subjects. In 1874, he

gave an opinion in Congress on the subject of Inter-State Commerce which was ratified with hardly a change forty years later by the leading authorities; in 1895, he urged trade relations with South America along lines which were almost identical with those which the combined Chambers of Commerce are today seeking to have promulgated with governmental assistance; in 1902, he urged the election of Senators by the people, which method, on May 31, 1913, became a law of the United States, through the enactment of the Seventeenth Amendment to the Constitution.

In 1899, Burrows did all in his power to accomplish the nationalizing of the militia. "A certain amount of military training is good for a youngster," Burrows insisted, "and the Government can well afford to encourage this training in a practical way. It will all come back in times of peril. . . . The United States can get along with a comparatively small army, and it can do this more safely if the militia is in first-class shape. When we need soldiers we need a lot of them. The better the State militia organization the better will be the supply of good soldiers when we need them." Today, nearly twenty years later, we find the subject vividly brought before the people in the program of defense.

Another project which Burrows always held firmly in mind, and which it seems likely will yet be brought

to pass, was the change in the date of Inauguration Day. Burrows contended that there was no more reason why the public inauguration of the President should take place on the first day of his term than that the coronation of a king of England should occur on the day of his accession. The 4th of March, he urged, fell during the worst season of the entire year in Washington, and if Inauguration Day were postponed until the latter part of April, or the early part of May, the city would be seen at its best as far as weather and conditions were concerned, and the important event would have much added to it through ideal natural conditions. Burrows finally succeeded in getting the Senate to agree to change the date to the last Thursday in April, but the House failed to concur in the resolution. Consequently the States were never asked to act upon the suggestion, with a view to an amendment to the Constitution.

The Republicans had a walkover in the election of Roosevelt and Fairbanks in 1904, the Democratic nomination of Alton B. Parker, an anti-Free-Silver Democrat, hopelessly splitting the Party. Roosevelt continued his promotion of legislation, but the influence which he had possessed during the early years as an incumbent of the Presidency had been weakened by the conviction on the part of members of Congress that they were too often made the victims of the "big

stick." They resented his mandatory attitude so strongly that it was sometimes difficult to discover whether opposition to his measures was due to difference of opinion or to a refusal on the part of Representatives or Senators to be stampeded.

Soon after the Fifty-eighth Congress convened in its first session, Senator Burrows was appointed a member of the Committee on Naval Affairs, but his chief work for this session was devoted to the laborious task of cross-questioning witnesses and gathering together the material in connection with the Smoot case, which is covered in an earlier chapter. During this session the question of the admission of New Mexico and Arizona as a joint State was prominently considered, together with a similar proposition for joint statehood for Oklahoma and Indian Territory. In the first case, Burrows was chief among the opponents. "I cannot vote for the admission of New Mexico," he said, "and my reason for voting against it is that I think it would be a dangerous thing to do . . . because it would take that Territory out from the jurisdiction of the United States, and lift the hand of the United States off from that Territory that is now being used to arrest the course of crime, and for the purpose of bringing those who are violating the laws of the United States to justice. . . . The condition of things in Arizona is much worse than it is in New

Mexico, and the conditions in both these Territories constrain me from voting to admit either of them or both of them."

An amusing incident which occurred during this discussion proved exceedingly mortifying to Senator Elkins, who was fighting to secure statehood for New Mexico. At the time when Burrows rose to speak on the Bill, Senator Elkins was not on the floor. At the conclusion there was considerable enthusiasm, and Senator Elkins entered the Chamber at the moment when Burrows was receiving congratulations. Elkins was always exceedingly friendly to Burrows, and, being unaware of the subject of the motion upon which he had just spoken, joined the group around the speaker and added his congratulations to the others. The newspaper reporters were not slow to make the most of their opportunity, and every public journal in the Southwest appeared the next day with a statement that Senator Elkins had congratulated Burrows for attacking the Bill. Senator Elkins is said to have left New Mexico shortly afterwards, as he was never able to explain.

In 1904, the fiftieth anniversary of the birth of the Republican Party was celebrated in Jackson, Michigan, and Senator Burrows was the president of the day. This was a particularly significant occasion for several reasons, one of which was that it fixed authori-

tatively the discussion which had been left open for some years as to the comparative merits of the various claims made by different States for the honor. The story of the formation of the Party "under the oaks" at Jackson, Michigan, is told in the announcement of the arrangements made for the celebration of its Golden Anniversary:

"A call, signed by ten thousand opponents of the extension of slavery, citizens of Michigan, brought together at Jackson, on July 6th, 1854, a Mass Convention, over which David S. Walbridge presided. Among the speakers were Zachariah Chandler, Michigan's stalwart representative in the United States Senate during the War of the Rebellion; Austin Blair, whose name is joined with those of Andrew of Massachusetts, Buckingham of Connecticut, and Curtin of Pennsylvania, as the great War Governors; Erastus Hussey, whose stand for freedom during the Kentucky raids into Cass County gave him National renown; and Lewis Clark, said to be the original of the character of Uncle Tom in Mrs. Stowe's epoch-making novel. The ticket nominated by that coalition of Whigs, Democrats, and Free-Soilers, with Kinsley S. Bingham for Governor, was triumphantly elected in the November following.

"Most important from a historical standpoint, however, was the report of the Committee on Resolu-

tions, headed by Jacob M. Howard, afterwards a distinguished Senator in Congress. The resolutions pledged resistance to the extension of slavery, called for the repeal of the Fugitive Slave Law, and proposed a general convention of the Free States to adopt measures to resist the encroachments of slavery. Then comes this historical declaration: 'We will be known as "Republicans" until the contest is ended.' Thus the party was named. This Party name, which had not been in use since the early days of the Republic, was suggested to Joseph Warren, editor of the *Detroit Tribune*, by Horace Greeley, who took a deep interest in the Michigan movement. On the way to Jackson, Mr. Warren had given to Mr. Howard Mr. Greeley's letter containing the suggestion.

"The action taken by the Michigan Convention speedily became known through the press. On July 13, 1854, the Wisconsin Free-Soilers, in convention at Madison, adopted the name 'Republican,' as did the Ohio, Illinois, and Vermont conventions, held on the same day. Massachusetts followed on the 19th. On Washington's Birthday, 1856, the first National Convention of the Republican Party was held at Pittsburgh, and nominated Frémont and Dayton, who carried eleven States. Had Pennsylvania and Illinois given their votes to the ticket it would have been elected triumphantly. Such briefly are the circum-

stances attending the birth of the Party, under whose banners the Union was preserved, the country re-united, and the Nation made powerful the world around."

In considering the claims of Strong, Maine, and Ripon, Wisconsin, those who have gone into the subject thoroughly, particularly Noah Brooks, who made an exhaustive study of the subject and published his conclusions in 1895, Jackson, Michigan, is entitled to the honor, owing to the fact that the meetings in the other places named dissolved without taking official action, while the Jackson meeting actually brought the Republican Party into existence. When Senator Burrows called upon President Roosevelt to invite him to attend the celebration he referred to these competing claims in his remark, "You know, Mr. President, this is the only *genuine* birthplace of the Party."

The celebration took place on July 6, 1904, and the City of Jackson was given up entirely to a celebration of the National event. Short addresses were made by Senator Charles W. Fairbanks, Senator Russell A. Alger, and Speaker Joseph G. Cannon, but the chief addresses of the day were those made by Senator Burrows as presiding officer, and Secretary of State Hay, who represented President Roosevelt as the orator of the occasion.

In opening the afternoon exercises Senator Burrows said:

“We have met here today to commemorate an event in the history of the Republican Party in the State and the country which in its far-reaching consequences rivals in importance the Declaration of Independence itself, and marks the beginning of a most important epoch in American history.

“The founders of the Republic, in the work of forming a system of government for the liberated colonies and ‘in order to form a more perfect union . . . and insure domestic tranquillity,’ the only hope for National peace and security, were forced to compromise with a great wrong, and recognize in the Constitution of the United States the right to traffic in human flesh. That compromise, which in the beginning made the union of these States possible, proved to be in the end the greatest menace to its perpetuity, and the ultimate pretext for its destruction.

“No one understood better than the fathers that the institution of slavery was wholly incompatible with the principles upon which the Government was established, but rather than forego the consummation of a federal union, so essential to the growth and security of the Nation, they yielded to the demand for the recognition of the institution of slavery in the fundamental law of the Republic, with the hope and expec-

tation that a sense of justice and the demands of patriotism would surely and speedily restrict the evil and insure its ultimate extinction.

"These hopes, however, proved illusive. The cupidity of men and the lust for power overcame the better impulses of humanity, and led to the insistence upon not only the retention of the constitutional recognition of slavery, but to the enactment of such measures as would throw around the institution the defenses of the law and the bulwark of judicial sanction. Both these ends were attained. Thus entrenched, it grew with the Nation's growth until in its conscious power it no longer invoked the spirit of concession for its maintenance and extension, but, boldly trampling down every restraining barrier, challenged the opponents of slavery to an open contest for the mastery of the Republic. 'The irrepressible conflict' was upon us, and was rapidly assuming National proportions. Further compromise was impossible.

"It was at this juncture that a call for a mass convention was issued, signed by more than ten thousand electors of the State of Michigan, addressed, in the language of the call, to 'all our fellow-citizens, without reference to former political associations, who think that the time has arrived for a union at the North to protect liberty from being overthrown and down-

trodden,' to assemble in mass convention in the City of Jackson on the 6th day of July, 1854, 'to take such measures as shall be thought best to concentrate the popular sentiment of this State against the aggressions of the slave power.' More than five thousand men, including Whigs, Free-Soilers, Abolitionists, and anti-slavery Democrats responded to this appeal, and here, on the day named, 'under the oaks,' that convention formally and in the most public manner declared 'that the history of the formation of the Constitution, and particularly the enactment of the ordinance of July 13, 1787, prohibiting slavery north of the Ohio, abundantly shows it to have been the purpose of our fathers not to promote but to prevent the spread of slavery. And we, reverencing their memories, and cherishing free republican faith as our richest inheritance, which we vow, at whatever expense, to defend, thus publicly proclaim our determination to oppose by all powerful and honorable means in our power, now and henceforth, all attempts, direct or indirect, to extend slavery in this country, or permit it to extend into any region or locality in which it does not now exist by positive law, or to admit new slave States into the Union.' They also further proclaimed, 'We will co-operate and be known as "Republicans" until after the contest be determined.' As earnest of their good faith and high resolves, and

putting into practical effect the results of the convention, they at once nominated a full State ticket, which in the following November was triumphantly elected by a majority of 4,977.

“In the light of this history I may be permitted to digress sufficiently to say that we find ample justification for the claim that here the Republican Party was born and christened, and here it achieved its earliest victory. A recent historian confirms this contention by the affirmation that ‘the first formal use of the title “Republican” by an efficient political combination was when a mass convention of Whigs, Free-Soilers and anti-slavery Democrats at Jackson, Michigan, July 6, 1854, adopted a platform of principles, accepted the name “Republican,” and nominated for governor Kinsley S. Bingham.’ All honor to the patriotic men who, fifty years ago, here proclaimed a new declaration of independence, and, sundering the political ties of a life-time, made common cause for liberty and country. It is a sad reflection to know that a majority of that body of stalwart men have joined the martyred host, but under the providence of God a few remain to inspire us by their example, and to share with us the blessing of a government which their patriotism exalted and their fidelity preserved.

“The work of this convention was so fully approved by the people of this State that the vote for Frémont

in 1856 aggregated more than 71,000, and four years later rose to more than 88,000 for the nominee of the Republican Party.

“The movement here inaugurated made rapid advancement, spreading beyond the confines of the State, and culminating in 1860 in the election of Abraham Lincoln, the first Republican President of the United States. Thus was the initial battle of the Republican Party fought and won. Mr. Lincoln, more than any other man, was the recognized exponent of the principles of the Republican Party, and comprehended the magnitude of the conflict when he boldly proclaimed, ‘A house divided against itself cannot stand. I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the States, old and new—North as well as South.’ This declaration of Mr. Lincoln, and his known hostility to the extension of slavery, singled him out as the leader of the Republican hosts, and his election to the Presidency in-

sured the triumph of the principles upon which the Republican Party was founded. Although his life was not spared to realize the full fruition of his hopes, yet he lived long enough not only to see the spread of slavery arrested, but to pen the immortal Proclamation of Emancipation, by which official act the institution itself was utterly uprooted and destroyed, and the Republic forever dedicated to human freedom. He went to his martyrdom, and sealed with his blood the cause he so zealously espoused. . . .”

The remarks made by Secretary Hay are of particular interest, and should be included in the opening chapter of any history of the Republican Party. “Under the oaks of Jackson,” he said, “on the 6th of July, 1854, a Party was brought into being and baptized which ever since has answered the purposes of its existence with fewer follies and failures and more magnificent achievements than ordinarily fall to the lot of any institution of mortal origin. And even the beginning of the end is not yet. This historic Party is only now in the full maturity of its power and its capacity for good.

“The Republican Party had a noble origin. It sprang directly from an aroused and indignant National conscience. Questions of finance, of political economy, of orderly administration, passed out of

sight for the moment, to be taken up and dealt with later on. But in 1854 the question that brought the thinking men together was whether there should be a limit to the aggressions of slavery, and in 1861 that solemn inquiry turned to one still more portentous: Should the Nation live or die?

“The humblest old Republican in America has the right to be proud that in the days of his youth, in the presence of these momentous questions, he judged right, and if he is sleeping in his honored grave his children may justly be glad of his decision.

“It was not so easy fifty years ago to take sides against the slave power as it may seem today. Respect for the vested rights of the Southern people was one of our most sacred traditions. It was founded on the compromises of the Constitution, and upon a long line of legal and legislative precedents.

“If the slaveholders had been content with their unquestioned predominance, they might for many years have controlled our political and social world. They felt instinctively that if their system were permanently to endure it must be extended, and to attain this object they were ready to risk everything. They rent in twain the compromises which had protected them so long. They tore down the bulwarks which had at once restricted and defended them; and con-

fiding in their strength and our patience they boldly announced and inaugurated the policy of the indefinite extension of their 'peculiar institution.'

"Yet the most wonderful feature of that extraordinary campaign which then began, and which never ceased until the land was purged of its deadly sin, was that even in the very 'tempest and whirlwind of their passion' the great leaders of the Republican Party kept their agitation strictly within the limits of the Constitution and the law. There was no general demand for even an amendment to the organic instrument.

"They pleaded for the repeal of unjust statutes as inconsistent with the Constitution, but did not advocate their violation. Only among the more obscure and ardent members of the Party was there any demand for the abolition of slavery, but the whole Party stood like a rock for the principle that the damnable institution must be content with what it had already got, and must not be allowed to pollute another inch of free soil.

"On this impregnable ground they made their stand; and the mass convention which assembled here in 1854, while the vibrations of the thunder of the guns and the shoutings of the birthday of liberty yet lingered in the air, gave a nucleus and a name to the new Party, destined to a great and beneficent career.

Before the month ended the anti-slavery men of five more great States adopted the name 'Republican,' and under that banner Congress was carried, and two years later a National Party assembled at Pittsburgh and nominated Frémont and Dayton, who failed by a few votes of sweeping the North.

"Who of us that was living then will ever forget the ardent enthusiasm of those days? It was one of those periods, rare in the life of any nation, when men forget themselves, and in spite of habit, of interest, and of prejudice, follow their consciences wherever they may lead. In the clear, keen air that was abroad the best men in the country drew deeper breaths, and rose to a moral height they had not before attained.

"The movement was universal. Sumner in the East, Seward in New York, Chase in Ohio, Bates in Missouri, Blair in Maryland, all sent forth their identical appeal to the higher motive; and in Illinois, where the most popular man in the State boldly and cynically announced, 'I don't care whether slavery is voted up or voted down,' a voice, new to the Nation, replied: 'There are some of us who do care. If slavery is not wrong nothing is wrong,'—and Abraham Lincoln came upon the field, not to leave it until he was triumphant in death. . . ."

During the Fall of this year, Burrows again stood for re-election to the Senate, and the tribute paid to

his career by Representative Joseph Greusel in nominating him for his third term is so excellent a summary of his record that it is quoted here in full:

"Mr. Burrows was elected nine times to the House of Representatives. The last term as a member of the House was shortened by reason of his election to the Senate. On first entering the House he reached a high place in the estimation of his colleagues by his knowledge of parliamentary law. It was his standing as a parliamentarian that advanced him presently to the position of Speaker *pro tem.*, which office he filled for two terms. They were stormy sessions, and as Burrows frequently was in the Chair, his fairness, knowledge, and tact were often called into play. He made such a record that the proposition to make him Speaker was favorably considered, and a large support was offered him. Undoubtedly he would have been elected Speaker had not circumstances occurred which called him to the Senate, and thus changed his sphere of usefulness. In the House, he exerted a great influence in directing important legislation of the period. As a member of the Ways and Means Committee few, if any, of the members of Congress had more to do with shaping the fiscal and financial legislation of the country than Mr. Burrows. President McKinley, in a speech which several of those present here tonight may have heard, said that Mr. Burrows

had a greater share in the preparation, the perfecting, and the passing of the Tariff Bill known as the McKinley Law, than did he by whose name the Bill was called.

“When he was elected to the Senate there was a vacancy on the great Committee of Finance in that body, which is coördinate, so to speak, or deals with like subjects, as the Committee of Ways and Means of the House. The membership of the Senate regulates the composition of its committees by a conservative and long-established custom. A new member, though his legislative experience in the other House may be known, can expect little of importance in the way of committee assignments. The practice of the Senate is to give to new members places on the minor committees, and well toward the foot. But Mr. Burrows had manifested such capability in the handling of difficult problems of government that he at once was put upon the Committee of Finance, and well up on it, too. Nothing could be more significant of the high estimation in which Senator Burrows is held than this assignment.

“Mr. Burrows was given a place on the Military Committee—and a good place. He made no requests for committee positions. He left the disposition of such matters entirely to those who are empowered to recommend it, and to settle it. He was placed on the

Military Committee, and served on it during the Spanish war and during the readjustment of trouble in the Philippines. When General Alger came to the Senate, Mr. Burrows resigned from the Military Committee. It was a position suited to Alger's experience, the country had need of that experience, and it also was a place most congenial to the new Senator. Could anything show more delicately the character of Senator Burrows, and how far removed he is from the little vanities of self-seeking, and how quick he is to recognize character and ability?

"Shortly after retiring from the Military Committee, there was an opening on the Naval Committee. Eugene Hale of Maine is chairman of that committee, and he went to Burrows and personally urged him to take the place, and with the willing approval of the entire Senate the senior Senator from Michigan is serving as a member of naval affairs.

"When Mr. Burrows went first to the Senate, he was assigned to Post-offices and Post-roads. After serving on that committee for some time, he resigned from it, four or five years ago, for reasons connected with the labor involved. The chairman of that committee is Mr. Penrose of Pennsylvania. The action of Mr. Burrows, as Chairman of Elections, in reporting on the Quay case, was different from what Mr. Penrose—Quay's colleague—had worked for. Con-

sequently, while Penrose could not attack the justice and the honesty of the report of Mr. Burrows, it is not to be expected that he should interest himself in strengthening the influence of the latter in the Senate. At the opening of the last Congress there was a vacancy in this Committee of Post-offices and Post-roads. A strong man, an honest man, was needed at that juncture. Chairman Penrose found the kind of man needed for the work in the person of Senator Burrows. Mr. Burrows was reluctant to go back to the committee. Then Penrose brought influences to bear which convinced Mr. Burrows that his services were of supreme moment on this committee, and he accepted the place. What followed is in the memory of all. The post-office scandals and the corruption in high places were uncovered, the offenders were brought to trial and to punishment, and the Post-office Department was purified and brought back to honest and correct administrative methods.

"Mr. Burrows is chairman of the Committee of Privileges and Elections. Just now he is busied in probing into the interference of sectarianism and the manifestation of its methods subversive of free government. It is becoming plain that the thin wedge, the point of it being Mormonism, is being applied to our Republican institutions. If that should prove true, have no fear of Julius C. Burrows. The coun-

try has confidence in his wisdom and judgment, and agrees that it is a blessed thing to have such a man at the head of so important a committee.

“Finally, there is the Committee on Committees. This is pre-eminently the administrative committee of the Senate. It deals with the mass of legislation awaiting action by the Senate, and it orders the right of way where many measures are pending. And besides this, it deals with delicate matters of personal relationship to the body—in an administrative sense, and, broadly speaking, is at the helm. It is the greatest compliment that his colleagues can pay to be assigned a place on this committee, for its functions, its usefulness and its powers are of transcendent importance in dealing with legislative progression.

“At the seat of government Julius C. Burrows has been tried. He has been tried for many years, and his advancement comes not from self-seeking, but is the spontaneous tribute of those who serve with him, observe him, and know him. There are few cases in our Congress where committee positions seek the man as they have sought Julius C. Burrows. If he were of the British parliament, serving there as he has here, he would have been long ago prime minister.”

Senator Burrows received a unanimous nomination from the Legislature.

CHAPTER VII

LAST YEARS IN THE SENATE. 1905-1911

THE final term which Burrows spent in the United States Senate included years which showed conditions again materially changed from any which had preceded, and these changes need to be considered in analyzing his influence upon them and their influence upon him. We have already noted what practically amounted to a new Party alignment; we have seen the effect of the exercise of Presidential power upon legislation in contrast to the Party influence which had previously affected the incumbents of the Presidential chair. But aside from all this, a new generation of voters had come into existence, with ideas quite different from those of the immediately preceding generation. Inherited Party affiliation was a thing of the past; for a son to be necessarily influenced by his father's political convictions was the exception rather than the rule; Parties were judged by their leaders rather than by their principles, and this younger body of citizens entered upon their exercise of the elective franchise not as a granted but as an inherent right.

All this resulted in progression as far as individual expression went, but it inevitably made it difficult to estimate the voting strength of either Party as a permanent expression of that Party's power at the polls. The splendid individual work performed by President Roosevelt uncovered the details of unlawful combinations in restraint of trade, which gave to their promoters fabulous income. The scandal which came out of his investigation of the Insurance Trusts appealed particularly to this younger generation of voters, and they loudly called for more and deeper investigations. This led to a period of "muck-raking," which, nauseating while it lasted, yet undoubtedly cured many of the sore spots which investigation brought to light, and no one can doubt that as a result of the work of President Roosevelt and those who followed in his footsteps a new public conscience was developed which had never previously been recognized in commercial life.

The most important subject which absorbed Burrows during these last six years was his supreme effort on behalf of public morality and home purity as opposed to the teachings of Mormonism, being exemplified in his strenuous effort to prevent Reed Smoot, an acknowledged "apostle" of the Mormon Church, from holding his seat as Senator, a position to which the political influence of his Church had

elevated him. The subject, as outlined in an earlier chapter,¹ extended over three of the six years, but in spite of the vast amount of time required for the study of that subject and the examination of an army of witnesses, Burrows presented during his last term in the Senate the extraordinary number of 333 bills and joint resolutions, nearly one-half of which were passed, and made twenty-eight speeches upon the floor.

The Payne Philippine Tariff Bill came before the Senate in 1906. Although this was distinctly a Republican measure, Burrows was one of its chief opponents, as he contended that the measure as proposed was not only a complete abandonment of the principle of Protection, but was a direct breach of faith toward the sugar industry, which had been specifically promised consideration by the Republican Party. The Bill was vigorously urged by Secretary of War Taft and the officers of the Insular Bureau. It passed the House, and when it reached the Senate, Burrows, the fourth man on the Finance Committee, found himself the leader of the opposition, while Senator Lodge, Chairman of the Committee, was the leader of those in favor of its passage. When it finally came to a committee vote, Burrows won 8 to 5. Burrows' contentions regarding the effect of this Bill upon the industry were later fully justified, inasmuch as capital

¹ See *ante*, page 215.

which had previously been withheld from investment in sugar manufacture became immediately available in large volume as soon as the Bill was defeated.

The Smoot case, as we have seen, was settled adversely to Burrows' judgment, as a matter of expediency to his own Party, but Burrows refused to permit the matter to be fully dropped without one last effort to have it leave its mark in history. In 1907, therefore, in an article in the *Independent*, he proposed that an amendment be made to the Constitution to render impossible a recurrence of conditions similar to those which existed in the case of Senator Smoot. "The action of the Senate," he said, "in disagreeing to the recommendation of the Committee, put an end to that controversy so far as Senator Smoot was concerned, in affirming his right and title to a seat in the Senate of the United States. But a question of greater gravity is to be considered. The investigation disclosed a condition of affairs in the State of Utah and adjacent States and Territories, in relation to the continued practice of polygamy and polygamous cohabitation, which must challenge the serious attention of the country, and which demands some drastic measures for the suppression of these crimes. . . . With the President of the United States committed to and recommending such an amendment its adoption would seem to be assured." It must be recorded,

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however, that Senator Burrows' optimism proved not to be justified.

The following letter, received years later, throws interesting light upon the present status, and emphasizes Burrows' conviction that "drastic measures are demanded":

From C. M. Owen

49 Ninth East St.,
SALT LAKE CITY, UTAH, June 23, '15

MY DEAR SENATOR:

The mills of the gods grind slow, but they grind damnition fine. Our whilom friend, Mrs. Geddes, who swore she was not the wife of David Eccles, now swears she was, and that he was the father of that five year old son of hers.

So that where merely her good name and fame and that of her child were concerned anything went, now that a quarter of a million is in sight the perjury of the past is put aside for the present desire for the cold cash.

The lies she told to you and your Committee she told with smiles, but now she sobs the truth. She never blushed at a lie in 1904, but in 1915 she weeps hysterically while relating the facts of her life to a jury.

I always told you that you who dwelt in the land east of the mountains held some regard for the truth,

while the average Mormon had perjury to a fine point. They still have.

I am sending yesterday's *Tribune* under separate cover. It tells its own tale. Read it and smile.

With kindest regards, I am

Yours truly,

C. M. OWEN

The closing of the Knickerbocker Trust Company in New York in October, 1907, precipitated one of the most spectacular panics the country has ever seen, and emphasized the necessity for action in Congress not only to relieve the present situation, but also to prevent its recurrence. As a result, the Vreeland-Aldrich Act was passed on May 30, 1908, providing for the issue of credit notes by individual banks upon the deposit of other than Government bonds, or else through the various National Currency Associations upon commercial paper as collateral, such issues being subject to a graduated tax. This same Act established the Monetary Commission, to report a basis for future legislation, and of this Commission Burrows was appointed a member.

In an authorized interview on February 24, 1908, before its passage, Burrows commented upon the proposed Bill:

"The Aldrich view does not make revolutionary changes in our banking system. It is intended to

provide a means of averting money panics, and its machinery is made to correspond as closely as possible to our present financial methods. As a basis of circulation, National bonds have been used to the last possible limit, and it is for that reason that it is necessary to allow the issuance of circulation upon bonds of other sorts. My judgment is that the measure in its present form is well adapted to head off such acute financial difficulty as beset us last Fall.

"But the enactment of the Aldrich Bill in no way interferes with further financial legislation. It provides immediate relief, and leaves Congress free to devise later any plan for changing our financial system. It is my belief that the necessity for such a change is only a matter of time. We have already reached the point where in times of emergency the present supply of United States bonds is inadequate to form the basis of a sufficient supply of currency. This shortage is certain to be intensified, in my judgment, as the years go by. With our enormous revenues, the country will in time reduce its National debt. That means still further reduction of the present basis of circulation. For this reason the country must some time adopt a financial system which is entirely divorced from the National debt. My present view is that the need can be met by a central bank under Government control, with branches in various

parts of the country. To this plan, though, I am not irrevocably committed. If a more promising plan can be devised I am willing to support it.

“For the present emergency the Aldrich measure affords the best remedy which Congress, under the present circumstances and without serious delay, can provide. It would be a serious mistake for Congress to let this matter go by without providing some remedy, especially after the severe troubles of last Fall. The mere knowledge that \$500,000,000 of sound money can at any time be put into business channels will in itself go a long way to alleviate financial tension. For instance, the business men of Michigan will have a feeling of security if they know that the banks of that State can in time of emergency supply more than \$6,000,000 on short notice. It is very doubtful whether the entire \$500,000,000 will ever be put into circulation. It is not likely to be needed.

“I take no stock in the argument that this additional currency will be used to precipitate an artificial panic. The banks have no reason for wishing to bring about such a catastrophe. But further assurance on that point is given by the fact that banks will not be able to secure this additional circulation under normal conditions. It will not be possible for them to put this large sum into business during good times, and then by quickly calling it in to cause a pinch.

The reason is that they will not be able to get the money during good times. The Aldrich Bill provides only for emergency circulation. It can be issued only when in the opinion of the Treasury officials serious financial difficulty is already upon the country or is threatening. It is not intended that this emergency circulation shall become a part of our permanent circulating medium. The six per cent. tax is intended to drive it back just as soon as the emergency has passed.

“In every possible way this emergency circulation will be made speedily available, and it will be safeguarded at every turn. The plan is that the entire \$500,000,000 shall be immediately printed, and that the entire sum shall be kept where it can be made available without delay. The amount to be issued in an emergency is entirely within the option of the Secretary of the Treasury. If he considers \$100,000,000 sufficient to bridge over any difficulty, the banks will be able to secure only that amount of circulating notes. At the same time, the Government is amply protected. Should it happen that securities which have been put up by the banks shrink in value, the Treasury officials have the power to demand of the banks additional security.”

From the time when they were first suggested, Senator Burrows was a strong advocate of the Postal

Savings Banks, and threw his entire influence in the Senate towards securing the passage of the Bill proposing their establishment. "I do not claim," Burrows said (1908), "that a Postal Savings Bank will entirely avert panics in this country, but I do believe it would help toward that end. The laborer who comes to this country from abroad knows nothing of our banking system, except that perhaps he has understood that sometimes one of our banks will 'bust,' so he sends his money home, where it goes into the Postal Savings Bank of his country, and he knows it will be there awaiting him when he wants it; but if we had a Postal Savings Bank he would not take the trouble to send his earnings to Europe.

"With the savings of the emigrant in the care of the United States Government, he would at once become the friend of that Government, its supporter, and its warmest well-wisher. The anarchist coming here to excite sedition would find poor soil for the cultivation of his theories among our foreigners, for he would discover that they had suddenly become Americans. Among our own people I look for an equally beneficent effect. It is easy for me to perceive that many men, who have not yet become well started upon the road to thrift, find it difficult to enter the imposing portals of a bank, to ask that an account be opened for them when they have but a few dollars

to deposit; but in the post-office every man feels at home."

Senator Burrows, being on the committee which considered this Bill, had peculiar opportunity to study its details. When first presented, he opposed the Bill in its original form because of its multiplicity of detail. As Burrows himself expressed it, "It provides for about everything except the color of the hair of the clerk who is to take the money." Another feature of the original Bill which he opposed was the provision that the money could be deposited only in National banks, and it was through his influence that this was altered so that State banks could also be made depositaries.

Still another complication which arose was the question of the constitutionality of the measure, and it became necessary to bring the Bill under the general power of the United States "to borrow money." Senator Root proposed an amendment intended to cover this point, providing that the deposits "shall be invested in the securities of the United States under rules to be made by the Board of Trustees." There was great opposition to this, however, which resulted in its rejection, and a substitute was offered and accepted which provided "that when, in the judgment of the President, war or other exigency involving the credit of the Government so requires, the Board of

Trustees may withdraw all or a part of said deposits, and invest the same in bonds or other securities of the United States, providing that no part of said funds shall in any event be invested in bonds or other securities bearing interest at a less rate than $2\frac{1}{4}$ per cent. per annum."

President Taft was deeply interested in the subject of Postal Savings Banks, and it was Senator Burrows whom he called to the White House to emphasize the necessity for the passage of the Bill, and to send by him a personal message to the Senate expressing his desire that this particular measure be written upon the statute books during that session.

After the Bill passed the Senate, Burrows commented upon the accepted amendment and the Bill as follows: "The effect of this provision clearly brings the Bill within the constitutional power of the Government to borrow money; and in my judgment in no way affects the dominant purpose of the measure, and leaves the money collected by the post-office deposited in any solvent bank, whether organized under National or State law, being subject to National or State supervision and examination, and doing business in the city, town, or village in which the post-office is situated, to be distributed among the various institutions in proportion to the capital and surplus, so that all discrimination between banks is prohibited.

“Although the Bill is not just what I would like to have it, yet with the Root amendment cut out, and the moneys collected being held by the banks in the localities where deposited, and to be reloaned, except in the grave emergency of war or some other exigency involving the credit of the Government, it is reasonably satisfactory, and I think in practical operation will safeguard the interests of all the people. The end to be attained was a Postal Savings system, and that I believe this Bill secures, and it therefore has my approval. It was this measure or nothing.”

Senator Burrows in 1908 introduced a Bill to place on the retired list commissioned officers of the Union Volunteer Army and Navy of the Civil War, asking the Nation to treat the surviving officers of her Volunteer Army and Navy with the same fairness and justice which in 1830 the United States accorded to the survivors of the Volunteer Army of the Revolutionary War. It provided substantially that the names of surviving officers of volunteers of the Union Army and Navy be entered on a roll to be known as the Volunteer Retired List, with half pay at the age of sixty-six and three-quarters pay at seventy. The Bill was intended to reconcile certain inconsistencies of the retirement list as between regular and volunteer officers. The Brigadier Generals’ Bill was also introduced by Senator Burrows, which authorized the President to

take from the retired list of the army any officer not above the grade of Brigadier General, and appoint him a Major General, with the pay and allowances of that grade, upon a proper showing that such officer had rendered conspicuous service in any of the wars of the United States. These two Bills stand among the final efforts made by Senator Burrows on behalf of the soldier.

During 1908, Burrows was chosen by the Republican National Committee to act as Temporary Chairman of the Republican Convention held that year in Chicago. The selection caused considerable surprise, inasmuch as it was well known that Senator Beveridge was the choice of President Roosevelt for this position, and the situation caused considerable speculation among the political wise-acres as to the probable influence of the selection of Burrows upon the chances of the candidates who would naturally come before the Convention, Taft's name being most prominently mentioned. That the choice of chairman was made after a careful consideration of the situation is without doubt. In spite of the declaration of President Roosevelt that he would not permit his name to be presented for a third term, there were many within the ranks of the Republican Party who believed that it would require but little to stampede the Convention to him, and there were many others



ROOSEVELT—"HERE! THAT'S MINE TOO!"

CARTOON FROM THE DETROIT "JOURNAL"

1908

who doubted the sincerity of his expressed choice of Taft as the nominee of the Party. Beveridge was known to be an enthusiastic Roosevelt man, Burrows was a conservative; and it was felt that the President could not in any way dictate his keynote speech. Burrows had not been affiliated with any of the booms which had appeared in behalf of the various candidates; his power as an orator was unquestioned, and his reputation as a parliamentarian was supreme. All in all, therefore, the choice proved acceptable to every one except perhaps the most enthusiastic of President Roosevelt's supporters, who believed that all precedents should be disregarded so long as their favorite was available as a Presidential candidate.

As a matter of fact, Burrows had a preference, but that preference was not publicly expressed nor made known in any way except to his most intimate friends. "I have been thinking what a splendid President Associate-Justice Brewer would make," he said to them. "If the Convention should get into a deadlock and begin to look around for a candidate, what better course could the delegates pursue than to turn to him? He is a great man. He would make a magnificent campaign if he once decided to throw his energy into the canvass and make speeches. He is a great jurist and a great publicist."

The keynote speech as delivered proved to be en-

tirely unsensational in its nature, being simply a forceful summarizing of the past achievements of the Republican Party, and an appeal to the American people to accept its further domination. The fear of the Convention that a stampede might occur to nominate Roosevelt is echoed in the speech, where Burrows, after paying a carefully-worded tribute to the President, concluded by saying, "Yet nothing has added so much to his just fame as his persistent, irrevocable refusal to break the unwritten law of the Republic by accepting a nomination for a third term. By this act of self-abnegation he places his name and fame in the secure keeping of history, by the side of that of the immortal Washington."

Burrows closed his speech with this paragraph: "The work of this Convention will soon be concluded. The platform will voice the dominating thought of the people, and the candidates nominated must stand upon it firm and erect. They must have the patriotism and sagacity of a Lincoln, the tenacity of a Grant, the wisdom and moderation of a McKinley, and the courage of a Roosevelt. With such a platform and such candidates the issue cannot be in doubt."

His optimism was substantiated at the polls, and Taft and Sherman were nominated by the Convention, and later triumphantly elected.

An interesting episode which occurred in connec-



CARTOON FROM THE
CHICAGO "AMERICAN"

1908

tion with the Convention was that which concerned a personal letter sent to Burrows by Secretary Taft, which Senator William E. Chandler tried to force Burrows to make public. The subject of the letter was supposed to be the Campaign Publicity Bill, and Senator Burrows was the Chairman of the Senate Committee which had jurisdiction over it.

"I am informed," wrote¹ Chandler to Burrows, "that Secretary Taft, on the day before he left for Panama, wrote to you that he desired to see passed at the present session a National publicity law for campaign contributions. If this is not correct, please so state without delay. If it is correct, please say to me before tomorrow night that you will make Mr. Taft's letter public. To treat the letter as private would be injurious to Mr. Taft and to the cause of publicity which he asked you to serve. If the law should fail, it might be by reason of the privacy of the letter, which he and everybody else would regret. If it should pass, he would be glad that he had publicly aided it.

"The end of the session is so near at hand that I beg you and your Committee to act without delay. Do not, I entreat you, tempt the committees, National and Congressional, in moments of danger or desperation, to seek or receive large money contributions

¹ May 17, 1908.

from the 'malefactors of great wealth,' induced by the certainty of privacy, and their hope that they may therefore be allowed by the Executive to commit treasonable crimes with impunity."

Burrows declined to make the letter public without Taft's authorization, so Chandler thought he saw an opportunity to make capital out of the situation by turning his attention to Bryan, who was the Democratic nominee for President against Taft. Bryan therefore, acting on Chandler's suggestion, telegraphed Taft on May 25, 1908, suggesting that they, as leading candidates of their respective Parties, should join in a request to Congress to enact such a law. The fact that a copy of this message was delivered to the newspapers four hours before it was delivered to Secretary Taft, emphasized the fact that Bryan was making use of the situation for campaign purposes; but Taft's reply proved a boomerang: "April 30th last," Taft wrote him, "I sent the following letter to Senator Burrows, the Chairman of the Committee on Privileges and Elections of the Senate:

" 'MY DEAR MR. BURROWS:

" 'I sincerely believe that it would greatly tend to the absence of corruption in politics if the expenditures for nomination and election of all candidates, and all contributions received and expenditures made by political committees, could be made public, both

in respect to State and National politics. For that reason I am strongly in favor of the passage of the Bill which is now pending in the Senate and House, bringing about this result so far as National politics are concerned. I mark this letter "Personal" because I am anxious to avoid assuming an attitude in the campaign which it is quite possible I shall never have the right to assume, but so far as my personal influence is concerned I am quite anxious to give it for the passage of the Bill.'

"Since writing the above, in answer to inquiry, I have said publicly that I hoped such a Bill would pass."

Although the facts of the case are as here stated, Bryan, in his speech of acceptance to the committee notifying him of his nomination as the candidate of the Democratic Party for the office of President, deliberately said: "An effort has been made to secure legislation requiring publicity as to campaign contributions and expenditures, but the Republican leaders, even in the face of an indignant public, refused to consent to a law which would compel honesty in elections."

Burrows' comments upon this, made in the course of his address on August 18, 1908, announcing to James S. Sherman his nomination for the vice-Presidency of the United States, are clear and definite:

“A brief history of this attempted legislation will disclose who ‘refused to consent to a law which would compel honesty in elections.’ What are the facts? A Publicity Bill was reported from the Republican Committee to a Republican House, which, however, amended it so as to broaden its scope by requiring members of Congress elected to disclose whether the people in their district were permitted freely to exercise the right of suffrage, and if that right was denied, the extent to which the vote was suppressed and the methods by which it was accomplished. As thus amended, the Bill passed the House of Representatives, and, coming to the Senate, was referred to the Committee on Privileges and Elections, where its enactment was opposed by the Democratic members of that Committee, and its passage by the Senate made impossible by the known and declared hostility of Democratic Senators. This hostility arose out of the amendment in the House to the Committee’s Bill, because Democratic Senators saw in this amendment the shadow of a constitutional provision which might possibly affect representation in those States where the right to vote is not freely exercised. That provision of the Constitution is as follows: ‘When the right to vote at any election for the choice of Representatives in Congress is denied to any of the male inhabitants of such State, being twenty-one years of

age and citizens of the United States, or in any way abridged, except for participation in rebellion or any other crime, the basis of representation therein shall be reduced in the proportion which the number of such citizens shall bear to the whole number of male citizens twenty-one years of age in such State.' This measure is not the law today because the Democratic minority successfully resisted its enactment. It is proper to say in this connection that the then Secretary of War, Mr. Taft, in a communication to me as Chairman of the Committee, which communication I now hold, urged in the strongest terms possible the passage of the broadest measure providing for the publicity of campaign expenses."

With the inauguration of Taft as President there was a distinct change in the atmosphere at Washington, and nowhere was it felt more strongly than in Congress. After seven years of Roosevelt it was natural that any successor should seem an anticlimax. The people, as has been intimated, had come to be influenced by the Party leader rather than by Party principles, and while Taft proved an excellent administrator, giving to his term an unusually strong judicial flavor, there was an absence of the unusual which the public at large had come to consider themselves entitled to expect. Taft did not prove the dominating force in legislation during his Presidency, and Con-

gress reasserted itself in such reactionary measures as the dethronement of the Speaker of the House, and by other action no less emphatic.

For this reason the legislation of the Sixtieth Congress was of small importance compared with those sessions which immediately preceded it; but the demand was so widespread on the part of Republican voters that a revision be made of the Dingley Tariff that the Sixty-first Congress was called in special session in March in response to this demand. On the day of adjournment, the Payne-Aldrich Bill was substituted, and in the framing of this Bill Burrows took large part. There had been the further expansion which eleven years had brought to the development of the country and to its industries, and it was necessary to adjust the tariff rates in such a manner as to meet conditions as they now appeared. Rates were diminished on raw materials and a few manufactured articles, such as paper pulp. Certain *ad valorem* duties were replaced by specific rates, and petroleum was added to the free list. Rates on high-grade papers and cottons were increased, and a tax of 1 per cent. was laid upon corporation incomes of five thousand dollars and over. Burrows exerted his influence to provide that all machinery used in the manufacture of linen or cloth from flax or flax fibre be admitted

free of duty, and it was largely through his efforts that a duty was restored on iron ore.

The effect of the proposed changes in the tariff rates as proposed by this Bill on the beet-sugar industry brought Burrows to the front in a speech delivered on May 26, 1909: "A general assault has been made on this schedule," he said, "chiefly because of the duty on refined sugar and the supposed connection of the American Sugar Refining Company, commonly called 'The Trust,' with the sugar industry. . . . Let me say at the outset that the course of the American Sugar Refining Company, as recently disclosed, has been so scandalous and reprehensible as to forfeit public confidence in its integrity and business methods, and to bring reproach upon the entire refining industry.

"If the American Sugar Refining Company was the only interest involved in this controversy, it would find few friends here or elsewhere. But there are other interests to be considered. There are sixty-four beet-sugar factories in the United States, each a refinery, and any blow inflicted upon the American Sugar Refining Company would necessarily injuriously affect the cane planters of the South and the great and growing beet-sugar industry of the North and West, in which the farmers and planters of

twenty States are directly interested, and would, in a broader view, affect all the people of all classes and of all the States by exposing this agricultural industry as a whole to serious and disastrous foreign competition, resulting not only in arresting the further development of sugar production in this country, but speedily overthrowing the industry itself. It is in behalf of this industry I propose to speak.

“If there is any one doctrine to which the Republican Party adheres with greater fidelity than another, it is the policy of protection to American industries and American labor. In season and out of season, in victory or defeat, it has adhered with unyielding tenacity to this cardinal principle of its political faith.

“In levying duties upon imports the Republican Party has always taken care so to adjust rates as not only to raise revenue for the needs of government, but at the same time create and develop new industries, which in their unfolding would give enlarged employment to labor, increased opportunity for the investment of capital, open fresh avenues for human endeavor, and promote the general welfare of the American people.

“To this end new enterprises have always been the objects of special care and solicitude, and under this policy numberless industries have been created and established. . . .

“The pending proposition has to do with an industry of vital concern to the American people, involving the production of a prime necessity of life, and directly affecting the great agricultural interests of the United States. We are the largest consumers of sugar of any nation on the globe. . . .

“The problem confronting us today is whether we shall produce this sugar from our domestic beets and cane, or abandon our fields, continue to pay tribute to foreign countries, and send abroad \$100,000,000 annually. . . .

“The development of this industry to the extent already attained is attributable in a large measure, if not entirely, to the protective policy. The Tariff Act of 1890, bearing the name of its illustrious author, provided a bounty of 2 cents per pound annually for every pound of sugar produced from cane or beets or other named sources in the United States. The Committee on Ways and Means, in submitting that Bill to the consideration of the House of Representatives, accompanied it with a report prepared by William McKinley himself, in which it was confidently predicted that the protection accorded the sugar industry of 2 cents per pound would insure the establishment of this industry and the ultimate domestic production of all the sugar required for our home consumption. In presenting the measure to

the House of Representatives, Mr. McKinley declared:

“ ‘While giving the people free and cheap sugar we have at the same time given to our producers, with their invested capital, absolute and complete protection against the cheaper sugar produced by cheaper labor of other countries. . . .’

“I have already shown the extent to which this industry has been established in this country at large, and its possibilities for the future, but I desire to call special attention to the industry in my own State, with which I am personally somewhat familiar. Encouraged by the inducements held out by the National Government, the people of Michigan entered upon the culture of sugar beets with alacrity and enthusiasm, devoting their acreage and their fortunes to the establishment and upbuilding of an industry which has already been of great advantage to our farmers, and given promise of rapidly increasing benefits. . . .

“From the moment the beet-sugar industry began to assume commanding proportions in the United States, the Sugar Trust, so-called, became its natural and implacable enemy. It saw in this new industry, with its rapid development, a most dangerous rival, for it not only refined sugar but produced the raw material out of which the finished product was made, and by a single process converted it into granulated

sugar ready for the market. The American Sugar Refining Company produces no raw sugar, but it secures its raw material in the open market, and then converts it by a refining process into the finished product. It is the refining of sugar in the modern beet-sugar factory that has excited the animosity of the American Sugar Refining Company, and prompts it to make war on the beet-sugar industry of the United States. In the prosecution of this warfare there is no measure which human ingenuity could suggest that it has not employed. It invades the market of its rival and offers its product in competition at such a ruinous price as to preclude the possibility of gain to its competitors; it cripples the factory by seeking to dissuade the farmer from continuing the culture of beets; where it can not control, it will crush; where it can not destroy, it will debauch; and, finally, taking up the cry that 'something must be done for the consumer,' it fleeces the consumer while at the same time it defrauds the public treasury.

"From the beginning of the debate on this provision a studied and persistent effort has been made to influence Senators against the entire sugar schedule by inveighing against the American Sugar Refining Company, called the Sugar Trust, with the hope of inducing a majority of the Senate to overthrow and destroy the protective system as embodied in this sec-

tion. It is sought to make it appear that the beet and cane sugar interests of the United States are in league and combination with the Sugar Trust, and together are conspiring to plunder the people. Nothing can be farther from the truth. . . .

“But we are told that the Sugar Trust must be destroyed. Grant it. It has no defenders here. But how destroyed? There are two methods suggested for accomplishing this end. One is to overthrow the industry in which the trust exists, and the other is to enforce the law against unlawful combinations and trusts.

“There is no difficulty in destroying a trust if you destroy the industry in which the trust is formed. I have no patience, however, with that theory which proposes to destroy a trust by demolishing the industry with which it is connected. Either of these methods would be effective, but the first punishes the innocent as well as the guilty, and inflicts permanent injury on the industry itself; the latter course punishes the offenders while permitting the industry to survive. . . .

“In the light of these facts there can be no question of the purpose of the Administration rigorously to enforce the law. But the suggestion is sometimes made that the trusts can be destroyed by exposing them to unrestrained foreign competition. What a

disastrous remedy! Under such a law all the foreign manufacturer would need to do to break up an American industry would be to come here and establish the foreign industry, form a combine, and then invoke the enforcement of the law against trusts and combines, and so secure the American market for the foreign producer. . . .”

It is interesting, in view of the lavish expenditures which we have seen made by Republican Congresses, to note the change which had come over the Party by 1909. It was contended that the Payne-Aldrich Bill would not raise sufficient revenue for running the Government, and Senator Burrows was interviewed upon this subject. This interview is assumed to present only his personal views, but in view of his position on the Finance Committee, and because of his long association with the leading men of the Party, it was generally accepted by the public as reflecting the sentiments of the so-called “inner council.”

“Will the new Tariff Bill furnish sufficient funds for the needs of the Government?” he was asked; and he replied, “It will if we economize, and that is what we shall do. This country has been going through a saturnalia of extravagance. Individuals have spent recklessly on their own wants, and Uncle Sam has had a bad attack of this spending fever. The way we have thrown money into public buildings, expositions,

rivers and harbors, and most of all into the complicated machinery of executive administration, amounts to criminal wastefulness, and that is all there is to it.

"I'd just like to know how many inspectors are employed in the execution of the new immigration law. They go hopping around like toads in a puddle, and it all takes cash. In the pending Census Bill a proposition is brought forward to construct a new census building. What is the matter with the present building? And hasn't this Government plenty of spare room in which the extra force can be housed during the rush of census taking? My honest judgment is that good business men, running the Government departments upon business principles, could have cut down expenditures 25 per cent. The wonder is, not that this Government has been eating into its surplus month by month, but that it has not gone into bankruptcy.

"Nor is the Senate without its share of responsibility. Places and salaries have been piled up without regard to the Treasury. Clerks have been hired on the slightest occasion. Have all the messengers automobiles now? If they haven't them now they are expecting them. By riding through an expensive underground passageway in a costly baby carriage, Senators go to their ornate offices in the elaborately decorated Senate office-building. If Senators needed

anything, it was just a place in which to work. It was not a palace of mahogany and marble, with cathedral-like trimmings and fluted columns.

“But these extravagances lie in the past. There they must remain. Without any niggardly policy of cheese-paring, and without restricting the proper activities of the Government, a policy of wise economy can easily, in my judgment, effect a reduction of at least fifty million dollars annually, and possibly seventy-five. We hope to increase the revenues by at least an equal amount through improved administration of the customs laws. And by these means we expect to come out on the right side of the ledger.

“I believe that we are ready now for an era of economy, and that we shall have it. Through its new Committee on Public Expenditures the Senate intends to scrutinise carefully the paths through which money has been accustomed to slip more or less easily. This same Committee will coördinate expenditures with receipts, and will make sure that Uncle Sam does not live beyond his income. When ill-considered, extravagant schemes are proposed for assaults upon the public Treasury, they will be revised by the Committee on Public Expenditures, where the brake will be effectually applied.

“With Senator Smoot at the head of the Senate Committee on Printing, we are in position to make

substantial reductions in the Government's enormous printing bills. We shall not spend good money in printing anything which any one may write.

"In a policy of economy President Taft has promised the coöperation of his Administration. And with this determination on the part both of Congress and of the Administration, I see no need to tax tea or coffee, impose an inheritance tax or an income tax, or increase the tariff on gloves and hosiery. We shall have enough money without."

The most far-reaching act of this session was the recommendation of a Seventeenth Amendment to the Constitution, providing for the direct and popular election of Senators. We have already seen the attitude which Burrows took upon this subject in the Fifty-seventh Congress,¹ and inasmuch as the State which he represented took favorable action, and when the question of his next nomination for the Senate came up it was before the tribunal of the people under the first operation of this primary election law, the measure assumed more than ordinary personal importance. He, with many others, had been appalled by the spectacle of the businesslike appropriation of the great Republican Party on the part of Hanna, Platt, and Quay in the Convention which nominated McKinley for President, and while he found no fault with the

¹ See *ante*, page 217.

results, he foresaw the danger which the possibility of such power in the hands of a few men possessed. It was from that moment that he became most eager for the trial of strength on the part of the various candidates before the popular tribunal.

On June 29, 1910, the city of Kalamazoo inaugurated a Burrows Day, and carried through the elaborate plans it had formulated to welcome "Neighbor Burrows" home after the close of the first session of the Sixty-first Congress. It was a tribute never before paid to a citizen of Michigan, and being of an entirely non-partisan nature it was of striking significance. The city was brilliantly decorated with flags, beneath which passed a long parade, made up of the various patriotic organizations, veterans of the Grand Army and of the Spanish American War, members of the Lincoln Voters' League, and of the Burrows Club of Kalamazoo, the Battalion of the Michigan National Guard, representatives of various civic organizations, and an endless number of automobiles filled with leading citizens. Music, colored fires, and fireworks added to the brilliancy of the occasion.

The procession proceeded to Bronson Park, which was crowded by thousands who had not taken part in the parade. After the parade was dismissed, Mayor Farrell gave an address of welcome to Senator Burrows, in the course of which he said:

“For more than a generation’s span you have served the people of this State and Nation, and always to their satisfaction. And to say this, in times of political turmoil and distrust such as the last decade has been, is no small thing. But to the people of Kalamazoo, your neighbors for half a century, it is no surprise. They knew the head and heart from which sprang the motives which actuated your career. For us to hear that you have worked long and faithfully, that you have remained honest and true, is not news; it is only what we expected. But we are proud of you—proud to know that our expectations and hopes have all been realized; proud to know that no man in this broad State can point the finger of suspicion towards a single act of yours. We are proud of all this, but tonight we are especially proud that you are here, here to meet your friends, to clasp their hands again, to receive anew the old time assurance of confidence.”

To those who have followed the career of Senator Burrows thus far it has become obvious that he was not unaware of the changes which had been taking place within the Republican Party, and in the ranks of the voters, and being fully aware of this, it is equally obvious that he was entirely out of sympathy with the new order of things as he saw them. For this reason he had firmly resolved to bring to an end his long pub-

lic service, covering the period from 1872 to 1911, with the close of his third term in the Senate.

When he announced this intention to his intimate friends he met with powerful opposition. The Old Guard of the Party made it plain to him that his continued service was necessary to stem the tide which was setting in against them; the interests of his home State, which he had always loyally protected, called upon him to subordinate his own preferences to their demands; personal friends pointed out to him that another term, with Aldrich's announced retirement, would place him at the head of the Committee on Finance, and make him the most influential man in the Senate. From every side pressure was brought to bear to make him alter his decision, and to combat his conviction that during his long years of service he had paid in full his obligation to the Party which had so signally honored him.

Those who sought to influence him knew well that when they once convinced him that it was a question into which the call of duty entered, there would be no further opposition; and their efforts were successful. Brushing aside his previous convictions, and disregarding the advice of those friends who sought only to protect his personal interests, he yielded, and entered into this his last campaign with all his old-time energy and enthusiasm. In spite of his seventy-

three years, he covered over three thousand miles and made sixty-nine speeches, completing his tour of the State in such health and vigor as to make ridiculous the contention of the opposing candidate that his age was an argument against his re-election.

The campaign was illuminating as an exposition of the change which the new era of things had brought about. On the one hand, a candidacy which promised all things to all men, on the other an elder Statesman whose life was his argument, and who fearlessly stated his convictions without regard to the result upon his election. When, before the campaign, influential friends in the Senate urged Burrows to support measures in which he did not wholly believe, and represented that the times were changing, and to make success certain he must change with the times, he replied with characteristic firmness:

“I am not here for the purpose of advocating my own selfish preferment. I am here as the servant of the Nation, and whatever I regard as necessary for the good of the people as a whole I shall do, and whatever I think injurious I shall oppose,—let the results be what they may.”

During the campaign he made his position even clearer: “I would not change a vote,” he said, “if I had my life to live over again; and if you return me to the Senate I assure you that I will be as firm a pro-

tectionist as ever, and that my vote will never be cast to close down an American industry by lowering the bars which today shut out the cheaper-made foreign article."

The visit of Senator Aldrich to Michigan, November 16, 1909, proved to have an unexpected effect upon Burrows' election. Aldrich had been making a tour of the Middle West in the interest of monetary reform, and, through the efforts of Senator Burrows, he was invited to address the Detroit Chamber of Commerce and the Detroit Bankers' Club. It fell upon Burrows to introduce Aldrich, and in doing so he expressed his admiration for the constructive work which Aldrich had done. The bankers of the Middle West, however, were strongly opposed to Aldrich, believing that his work had been far more in the interests of Eastern financiers than of National finances. Whatever may be the facts, the championship made by Burrows was taken up as a campaign issue by his opponent, and carried considerable weight against him.

It is the rarest occurrence to find Burrows making any defense of his actions or explanation of his words, so it is of peculiar interest to read the following personal letter upon this subject which he wrote at this time to his friend Hetherington, of the *Detroit Journal*:

"December 14, 1909

"**MY DEAR HETHERINGTON:**

"It would be impossible for me to express to you my sense of gratitude for the editorial in the *Journal* of the 6th instant, but I cannot refrain from at least returning you my sincere thanks for the same and assuring you of my highest appreciation.

"As a rule, I take no notice of what the *News* may say, which has always been hostile to me, and usually as malicious as untruthful. The manner in which it has distorted my remarks and misconstrued my purposes is unworthy of respectable journalism. 'Mark now how plain a tale shall put the story down.'

"Immediately after the adjournment of the extra session of Congress last August, having learned that Senator Aldrich, Chairman of the Monetary Commission, contemplated a brief tour of the West for the purpose of explaining the objects of the Monetary Commission, I solicited him to include Detroit in his proposed itinerary, to which he readily assented; and thereupon I notified the people of Detroit, and an invitation from the Chamber of Commerce was thereafter extended to Senator Aldrich to a luncheon on the 16th day of November last, and a complimentary dinner by the Bankers' Club of Detroit the evening of the same day. The courtesy of an invitation was also extended to me to both functions, which I accepted.

"At the luncheon, after Senator Aldrich had concluded his speech, I was called on to make some remarks, and being aware that much criticism of the Commission had been indulged in by individuals and by the public press, charging, among other things, that the personnel of the Commission was a sectional body, representing entirely Eastern interests, and of such a character that its deliberations and conclusions would be dominated by Wall Street and the so-called money power, I sought to disabuse the public mind of this erroneous impression, the effect of which, if permitted to secure permanent lodgment, would be to create at the very beginning a distrust, if not open hostility to the Commission and the work in which it was engaged. By reason of this, and in the interest of fair play, I took occasion to say that so far as the Chairman of the Commission was concerned, such suspicions were wholly unjustifiable and without the slightest foundation in fact. In support of this contention, I referred to the fact of my membership on the Committee on Finance, of which Senator Aldrich is Chairman, which Committee had just concluded its protracted labors in connection with the new Tariff Bill, which enabled me to pass judgment upon and testify to his unselfish patriotism and devotion to all interests, partial to none and generous to all,—that his vision was not circumscribed by the narrow limits

of his own State or section, but swept the entire horizon of the Republic, embracing all sections and all industries, and that he was as solicitous for the industrial development of Michigan as he was for his own State. To this end, no man in the Senate was more pronounced in advocacy of the doctrine of Protection than Senator Aldrich, standing with fearless and unyielding firmness against the assaults of Free-Traders and their allies, contending at all times against whatever odds might be marshaled for protection to American industries and American labor. For this, Michigan was his debtor, for without the maintenance of the doctrine of Protection the industrial development of our State and the country would have been impossible. While it was well known that the Michigan delegation in both Houses conserved the interests of their State in the framing of the Tariff Bill, as evidenced by repeated speech and vote, yet I have no hesitancy in according to the Chairman of the Finance Committee full credit for his devotion to their interests and his helpful support, even to the extent of aiding in laying the foundation of a new and what I believe will prove to be an important linen manufacturing industry in our State. For his helpful support I intended to compliment him, and from his course in this matter the conclusion was legitimate and inevitable that he would have no selfish or local interests to subserve as

Chairman of the Monetary Commission, but be actuated solely by the public good.

“I trust the time will never come in my private or public life when I shall withhold from any one a just meed of praise because, forsooth, it might detract from some supposed merit of my own.

“To those who did not desire to misunderstand, the object I had in view was manifest. The sole purpose of this reference was to assure the public that the Chairman of the Commission would give to the consideration of the great problems submitted to the Commission the same broad and patriotic statesmanship which characterized his course in the Tariff legislation.

“I commend to those who criticise me for thus commanding Senator Aldrich the words of President Taft, in his Boston speech of September 1, 1909. He said:

“I am told that Mr. Aldrich will “swing around the circle” in the present Fall, and will lecture in many of the cities of the Middle West on the defects and needs of our monetary system. I cannot too strongly approve of this proposal.

“Mr. Aldrich, who is the leader of the Senate, and certainly one of the ablest statesmen in financial matters in either House, has been regarded with deep suspicion by many people, especially in the West.

“If, with his clear-cut ideas and simple but effective style of speaking, he makes apparent to the West-

ern people what I believe to be his earnest desire to aid the people, and to crown his political career by the preparation and passage of a Bill which shall give us a sound and safe monetary and banking system, it would be a long step toward removing the political obstacles to a proper solution of the question.'

"I suppose the least said about the matter the better, but I could not refrain from saying this much. Again thanking you, my dear Hetherington, I am

"Most cordially yours,

"J. C. BURROWS"

Under the new constitution of Michigan, and by the provisions of the new primary election law, the voters for the first time in the history of the State expressed their preference by direct vote for United States Senator. While the result of the primary was not considered necessarily final, because under the constitution it could not be made arbitrary, Burrows declared in a pre-election statement that he should hold it sacredly binding and conclusive. These were his unequivocal words:

"No man aspiring to the office of Senator should hesitate for a moment to submit his candidacy to the entire electorate of the State, and no man of any spirit would, if it were possible, accept an election in opposition to the public will. The primary election law of Michigan, as it relates to the choice of a Senator

by the Legislature, is not merely advisory but mandatory, and imposes upon the members of the Legislature the duty of executing the public will.

“I want no misunderstanding of my attitude in the matter. I have submitted my candidacy to the qualified Republican electors of Michigan, and whatever the verdict of such electors may be on the sixth of September next, I shall abide by that verdict. If my candidacy is not approved by a majority of such electors of the whole State, as revealed by the count of the entire vote in the State, I shall not thereafter be a candidate for the Senate before the Legislature.”

Up to the time when the final returns were received, Senator Burrows had no doubt as to the result. Victory had long since become a habit with him, and his faith in the people, together with his ever-abiding belief in the fundamental basis of Republican principles, made it impossible for him to recognize the possibility of a triumphant insurgency. The enthusiasm at the campaign meetings misled him, for he could not see that this was but an expression of affection for the man which for the moment rose paramount to the disapproval of voters of the present administration of the Party.

The following quotations from the daily press give the view-point from two different angles:

“Burrows received several thousand votes on the

strength of his record, on the strength of the sense of loyalty and long-time public service. He was obviously asking his last favor from his fellow-citizens, but it was in vain. Burrows had shown himself incapable of acknowledging the new political note that had been sounding for a number of years throughout the Nation. He was utterly out of sympathy with the spirit of the new deal then rampant in Michigan Republicanism. He was considered one of the oligarchical group with which he stood in the United States Senate, obstinate and defying the will of the people as it mounted in an ever-rising tide of demand for the new deal."

"Mr. Burrows' defeat was construed by his friends as a result of his courage. He refused to sacrifice well-settled convictions to the whims of the electorate. He was always too much ruled by reason and sound judgment to become a popular idol, although in a sense he was a politician all his life. He was a politician in the best sense of the word, in that he was ever a constructive statesman. He was conservative because he believed in conservatism, and when he believed in a theory or doctrine it was not within the man to advocate any other theory or doctrine no matter what the popular demand appeared to be."

"Mr. Burrows' defeat—it would be inaccurate to

speak of the result as his opponent's victory—has been due to one chief cause: the discontent that has been a remarkable feature of the political history of this country during the last year has exerted its influence in Michigan as elsewhere. That this reliable Republican State, hitherto the stalwart supporter of the Party born within its borders, should be swayed by this passing tempest of insurgency is the most serious phase of the entire campaign. Kansas might be carried away and no one give much thought to the fact; for Kansas was always eccentric. The other prairie States, too, have been tossed about by the fickle gusts of populism and allied vagaries before now. But Michigan has remained firm at the old moorings of conservatism, and when Michigan can be swept away by insurgency where can the rising tide be checked?

“The defeat of Mr. Burrows will be joined with a series of other recent happenings in the minds of the careful business men of the country, and will form one of the factors in impelling them to greater caution in their enterprises. It is not pleasant to forecast depression, but the revelation of the feeling of the country lately can hardly have any other effect than that. The Nation's prosperity is in serious danger, and Michigan's vote, although only one of the threats,

is by no means the least of those that have come to the attention of the commercial world in the last few weeks.

“For Mr. Burrows himself surely no one will have any words but those of cordial sympathy. He deserves them amply. A faithful servant of the people for well-nigh half a century, he has been refused approval just at the time when approval meant to him the fulfilment of the proper ambitions of a lifetime. He would have been the foremost Senator in the next Congress, with all the honors and influences that come with that position. But he may find compensation in the realization that his defeat carries with it no reflection upon his personal character. In a campaign which brought out every imaginable misrepresentation of fact to be used against him, not a whisper has been heard that called in question his absolute integrity. He leaves public life a comparatively poor man, in spite of the multitudinous opportunities he has had to enrich himself.

“Senator Burrows may well feel aggrieved that he has been so poorly repaid for his long and unselfish service to his State, but his consciousness that he departs from his difficult position with an unstained record, and through no fault of his own, should support him. Great as is his misfortune, it is not worse than that of Michigan, which suffers as much as he

by the abrupt termination of his career in the National Legislature, and which cannot console itself that the result is not its own choosing."

It was natural that those who did not know Senator Burrows intimately should say that he "might well feel aggrieved"; but no such thought ever occurred to him. That for the moment he was deeply shocked by the repudiation of those principles which he felt convinced from a life's experience formed the rock of prosperity upon which the country rested, is undoubtedly true. That he foresaw in this rising tide of insurgency the disintegration of the Republican Party as we today see it, is but another evidence of the breadth of his vision. That he would have preferred to have retired voluntarily, that he was hurt by the fact that the people whom he had represented so long, and whose interests he had jealously guarded against even those of his own Party who threatened them, no longer demanded his service, are unquestionable facts. But to suggest that the defeat contained aught of gall or wormwood to his personal ambitions would be a far cry from the facts. During the campaign he said: "If the other man is elected, there will be no insurgency in my heart. I will step into the ranks and carry the flag of the Republican Party in all the years to come."

Burrows' last official act of importance in the

United States Senate was his conduct of the Lorimer inquiry, which returned its report relative to certain charges made against William Lorimer, a Senator from Illinois, on January 18, 1911. His argument in summing up the case was regarded by those who heard it as one of his best efforts. Because of the great prejudice against Senator Lorimer then existing throughout the country, Senator Burrows did not receive from the people or the press the credit that was due to him for the ability, candor, and firmness displayed by him throughout the investigation. There were for a time a sufficient number of Senators against Lorimer to deprive him of his seat should the votes of the members of the Senate on that question be in accordance with their prejudices. But Senator Burrows, in his speech, with lofty courage refused to regard anything except what he conceived to be his duty, and with consummate ability demonstrated the principle that when a question arises in regard to the right of a Senator to his seat in the Senate, the Senate in passing on that question acts judicially, and must be governed by the law and the testimony in the case. No answer to that argument was ever made or attempted, and the view contended for by Burrows was adopted by eleven of the twelve members of the Committee conducting the investigation, and by a majority of the Senate.

To any reader who has followed his method of procedure, and the influences which inevitably led him to his conclusions in the Quay and in the Smoot cases, it must be apparent that his favorable report was due solely to the fact that he did not consider the case against Lorimer proven. Lorimer himself was not the kind of man whom Burrows admired or respected, but as Chairman of the Committee on Privileges and Elections it was the duty of Burrows to find a verdict not in accord with his personal preference, but in accord with the evidence as presented. The thoroughness with which he went into the subject, the care with which he sifted the evidence and cross-examined the witnesses, and the frankness with which he made his report, form convincing evidence that the position finally reached by him in his conclusions was in exact accord, although different in expression, with the conclusions reached in the earlier cases.

“The duty imposed upon the Committee on Privileges and Elections is ended,” he said when presenting his report, “and the result of its labor is submitted to the Senate for its final review and judgment. I can say for the Committee that it executed the mandate of the Senate without fear or favor, and with the sole purpose of ascertaining the truth. This high court will, I am sure, discharge its function with the same spirit, conforming to the Constitution and the laws

which we are all obligated to support and maintain. Members of the Committee have not been unmindful of the severe assaults made upon them by some portions of the public press, but this has not deterred them from the performance of their sworn duty. These strictures are common."

During the last few weeks of Senator Burrows' service in the Senate, the suggestion was made to him, by one of his close political friends, that he was under no moral obligation to oppose a Bill then pending, as those of his constituents who might be injuriously affected by the proposed legislation were largely responsible for the fact that he was not returned to the Senate. To these suggestions Senator Burrows answered, "I cannot do it. I am opposed to the Bill. I fear that the effect of the proposed measure will be injurious to the people of Michigan and to the people of the United States. Whether my constituents appreciate my labors in their behalf or whether they do not, is their affair not mine. I shall be true to their interests, whatever may have been their conduct towards me, and whatever may be the effect of my action on my personal or political interests."

So, with the close of the Sixty-first Congress, Burrows doffed the Senatorial toga which he had honored for so many years, and laid it ungrudgingly upon the shoulders of his successor. With no "insurgency in

his heart," he "stepped into the ranks," with a heart-felt sense of relief, but still "carrying the flag of the Republican Party,"—for a time as a high-ranking member of the National Monetary Commission, and then for a few brief years simply as "Neighbor Burrows," citizen of the United States.

CHAPTER VIII

OTHER INTERESTS. 1886-1911

IN the course of his keynote speech, as temporary Chairman of the National Republican Convention which nominated Taft for President, Burrows said: "The Republican Party is not indifferent to the necessity of a further and comprehensive revision of our monetary and banking system, and to that end the Congress just closed authorized the creation of a Monetary Commission, composed of eighteen members of the two Houses of Congress, clothed with power to inquire into and report to Congress at the earliest date practicable what changes are necessary or desirable in the monetary system of the United States, or in the laws relating to Banking and Currency, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, experts, and other assistants as shall be necessary to carry out the purpose for which said Commission was created, and to make such investigations and examinations, in this or other coun-

tries, of the subjects committed to their charge as they shall deem necessary.

“This Commission has already organized and entered upon its labors, and will diligently prosecute its work with the hope and expectation of formulating a monetary system which will meet every legitimate business need, and promote the prosperity of all of our people.”

This Commission was organized in May, 1908, and Senator Burrows was the third in rank upon the Senate side, becoming the ranking member, next to the chairman, Senator Aldrich, upon the death of Senator Allison the following August. Mr. Arthur B. Shelton, who was the secretary of the Commission throughout its existence, has made the following record of Senator Burrows’ work in relation to its report:

“The first two or three years were spent by the Commission in securing detailed historical and statistical data upon the various phases of the monetary systems of this and other countries throughout the world. This work necessitated sessions of the Commission and various sub-committees in different parts of this country and abroad. When these data had been gathered and compiled, the Commission held regular meetings in Washington for an extended period to formulate its report. Senator Burrows was

regular in his attendance upon these meetings and active in the deliberations at this time, giving to the Commission the benefit of his mature experience and wise counsel in financial subjects. The Commission submitted its final report to Congress on January 8, 1912, every member signing the report; and shortly thereafter the Commission expired by limitation."

This report provided for the establishment of a Reserve Association of the United States, to be chartered by the Government, which should act as its fiscal agent, holding its deposits. Its banking powers were to be limited to relations with banks and trust companies, and to dealings in foreign exchange. The Reserve Association could re-discount commercial paper for banks, and might purchase acceptances. This would give to local banks the powerful resources of a National banking institution. It was to have the sole power of issuing notes, and National banks were to be restricted in taking out further circulation on bonds. District associations were to be formed, each with a certain amount of independence, the establishment of which was intended to meet the objections against a central bank, which should dominate the local banking institutions.

We have already seen, throughout the earlier chapters, how deep and sincere an interest Burrows always took in the soldier and in all legislation which affected

his welfare. This was so vital a characteristic that it requires special emphasis. At no public gatherings did he appear to better advantage than at soldiers' reunions, and his most eloquent utterances were his memorial tributes to such war-time heroes as Lincoln and Grant. The period of the Civil War in his vision always had its halo. "We hear little of Appomattox," he once said. "Would that I could erect a monument there, whose base would rest on the very mountains of earth, and on whose summit in heaven would be inscribed these words: 'This is a Nation.' "

It is sometimes difficult to separate those acts which a man in public life performs from a sense of duty, those performed because of their possible effect upon his career, and those which are real expressions of himself. With Burrows no portion of his public life stood out as a more perfect expression of himself than this devotion to the soldier and his interests. For a man to be a soldier, whatever his station in life, created a bond which Burrows delighted to recognize under all circumstances.

We have already seen how promptly any proposed legislation hostile to the interests of the soldier brought Burrows to his feet in protest, but one further instance should be cited. During the Forty-ninth Congress there were many important pension Bills, all of which received the unqualified approval of Mr.

Burrows. At that time the House of Representatives was in the control of the Democrats, and a proposition had been put forward and urged by them that on all pension legislation it would be in order, under the rules, to offer an amendment to increase public taxation enough to carry out the provisions of the Bill itself. Burrows was quick to see the effect of such an action. He gained recognition from the Chair, and delivered impromptu one of his characteristic speeches. It makes such excellent reading that it is reproduced almost entire. Burrows said:

“In the course of nearly eight years’ experience as a member of the House of Representatives, I do not remember ever to have heard a proposition so monstrous as the one we are now called upon to consider. For the first time, I believe, in the history of legislation in this Government, it is proposed to embody in the rules of the House of Representatives a provision making it in order, when a certain class of Bills is under consideration involving an expenditure of money, to offer an amendment to such measure proposing an increase of taxation sufficient to meet the probable requirements of such enactment. . . .

“But if there was anything needed to increase the iniquity of this proposition, it is found in the language of the proposed rule, which restricts its operation to pension Bills. Why this invidious distinc-

tion? Why select the Union soldier as the object of your attack? It will not pass without notice that the majority of this House propose to apply this rule only to legislation looking to the relief of those who sacrificed everything in the defense of their country. Look at this proposition for one moment.

“It is well known to the country that there are certain measures for the relief of soldiers pending in this body today that are demanded by the Grand Army of the Republic, and the majority of this House hesitates to adjourn without taking favorable action upon them. How, then, can the majority seem to favor these measures and yet accomplish their defeat? This rule solves that question. Let me illustrate: here is Senate Bill 1886, demanded by the Grand Army of the Republic, demanded by every sentiment of honor and justice,—it has passed the Senate and ought to pass this House,—which declares that those soldiers who survived the shock of battle, and returning took up the burdens of life where they laid them down to answer their country’s call, but who have been overtaken by misfortunes and deprived of health or limb, are forced in the unequal conflict to labor for the necessities of life or take shelter in an almshouse. Adopt this rule, and when this measure comes up for consideration it will be in order to amend it by a proposition to raise revenue, which would at once launch

us on a sea of debate upon which the Bill itself would surely be wrecked.

"Here are fathers and mothers who, though their sons lost their lives in the defense of the country, cannot under the law today draw pensions because they are required to prove that they were dependent at the time their sons went into the service. They were not dependent at that time; but misfortunes have since overtaken them, and in their old age they stand with empty hands pleading for charity. Senate Bill 1886 proposes to provide for these aged dependent parents, and instead of passing the measure as you ought, you meet this humane measure with a rule that it shall be in order, when that measure comes up, to submit a proposition to increase the tax on whisky or tobacco, or impose some new tax, knowing that in the discussion on the tax the Bill will fail.

"Thousands of pension claims are today hung up in the Pension Department because the law requires that the applicant shall show that when he went into the Army he was of sound bodily health. The Senate in its Bill 1886 says that requirement is unjust. The fact that the soldier was received into the service after examination made at the time shall be taken as *prima facie* evidence that he was an able-bodied man, and in the absence of fraud the *onus* should be upon the Government to show that such was not the fact.

These men today, in their old age, are denied their pensions because of this requirement. You now propose to say by a rule that when this measure comes up for consideration it shall be in order to submit an amendment raising revenue, and thereby complicate the matter and insure its defeat. Every member of this House knows that the moment you adopt this rule, and allow upon these pension Bills such an amendment as is proposed, it means the defeat of every one of these measures; and that, in my humble judgment, is the deliberate purpose of it.

"The gentleman from Pennsylvania (Mr. Randall), when the arrears of pension Bill came in here, succeeded with his Party lash, which he wields with such a master-hand, in driving that Bill back into committee. The gentleman from Indiana (Mr. Matson) says it is his intention to have that measure considered. Considered when and how? After you have adopted a rule which in its application you know will insure its defeat. If you in good faith intend to consider and pass these measures, you shall have no such hollow excuse as that they cannot be reached. I say to you now that we give you leave to take up any one or all of them today, this hour, and put them on their passage. Ask unanimous consent this moment to take up Senate Bill 1886, and I pledge my word there will be no objection on this side of the Chamber. I

challenge you to make the request now, and then let us see who objects and who will stand by the soldier in the passage of just pension Bills.

“But why do you not select as the subject of a proposition of this kind something besides these pension Bills, this proposed pension legislation? Why do you not take the River and Harbor Bill, with its \$15,000,000 of appropriations? Why do you not take the public buildings Bills, and say that on those Bills amendments shall be in order to increase taxation to meet the expenditure? Why do you not take the Bills reported from the Committee on War Claims—a committee whose room is packed with Southern demands against the Government for compensation for property destroyed or taken during the war? Why do you not say that none of those Bills shall pass without embodying in them a proposition to tax the people to meet the expenditure entailed thereby?

“But no; you have taken the pension Bills, you have taken those alone; and I affirm that it is for the sole purpose of defeating every one of them, and preventing the Union soldier from receiving his just dues. Do you say the Treasury is exhausted? Then take means to replenish it. Meet these measures fairly, let them stand on their own merits; and if they pass, if you have not money enough to meet their requirements, introduce your Bill to provide means for the

purpose, and this side of the House will stand by you in voting all the money necessary to meet the obligations of this country to its defenders and those who suffered by the war."

Because of his attitude toward the soldier, Burrows particularly valued the influence which his membership on the Committee of Military Affairs gave him, and it was an act of supreme self-sacrifice when he voluntarily and cheerfully resigned this position, requesting that his newly-elected colleague in the Senate, General Russell A. Alger, should have the assignment. The fact that it was a sacrifice made the courtesy the more significant, and the more interesting as an exposition of the character of the man.

No biography of Senator Burrows would be complete without including a definite tribute to his second wife, who was Miss Frances Peck, daughter of Mr. and Mrs. Horace M. Peck of Richland, Michigan, for the part she played in his life, particularly in Washington, where she gave to her husband the benefit of her practical ideas, her common-sense, and her clear judgment of men and measures, and thus contributed to his success in no small degree. She had been one of his pupils back in the old Richland Academy days, and they were married in Richland on Christmas Day, 1865. Their life together for within a month of fifty years was singularly ideal because of

the similarity in their tastes and aspirations. Mrs. Burrows made their home in Washington famous for its hospitality from the time they first took residence there in 1872, and in it during these long years were gathered the most noted men and women of our own country as well as famous foreign dignitaries and diplomats. Her long residence in Washington gave Mrs. Burrows a clear insight into National politics. She was as ardent a Republican as her husband, but she would have liked to see Party control which would be broad in its sympathies, the advocate of human liberty, and the inflexible foe to sectional, racial, or social persecution. "For this reason," Mrs. Burrows once said, "I am earnestly in favor of women having a vote. I think the average woman would regard her privilege more highly than the average man. I believe that the average woman would not play the game of politics as the average man, but that she would be inspired more by principle than by the desire to aid her immediate environment. Women believe more firmly in the best man for the place rather than the man of certain politics whether he be best or not. I am an advocate of the higher political school, which means the best service for the country and the best government for the people, no matter under what name the politicians put it forward. I see nothing



MRS. JULIUS C. BURROWS

Miss Frances Peck

1911

unfeminine in a woman voting. She can go to the polls and cast her ballot without losing one iota of her dignity and charm."

Mrs. Burrows was a handsome woman, tall, slender and graceful. She was a brilliant conversationalist, and exercised a peculiar charm and attractiveness in whatever capacity she served. She had her own interests, and expressed a definite personality in art and literature. She took a leading part in everything to do with the Daughters of the American Revolution, being a charter member of the National Society, and vice-president-general from 1899 to 1902. While naturally fitted for society life in any of its forms, both she and the Senator were exceedingly democratic, and cared for society only in its broader sense of intercourse with people of worth who had accomplished something, whatever their social position might be. Both were recognized in the brilliant State gatherings of the Capital as leading members of the aristocracy of intellect. During the many years she made her home in Washington she so assimilated herself with the life of the social, religious, and philanthropic trend that almost unconsciously to herself she became the leader on many occasions by spontaneous and unanimous choice. An interesting comment, frequently made, was that she was absolutely free from

those petty jealousies to which women are often subject when favoring circumstances give them precedence over others.

The Burrows residence on Massachusetts Avenue was one of the really home-like places at the Capital. Admiral Dewey once remarked about the difference between homes and mansions, and said that if he could pick out a Washington domicile which was "a peace-pervaded place, where you hang your hat on the rack and feel that you are in a home," it would be the residence of Senator and Mrs. Burrows. The house was one of the most modest of Senatorial residences, and the furnishings were within the reach of any person with a good eye for selection. But the environment, the atmosphere of home, and the evident love and care bestowed on every detail, placed its mistress in the first rank of good housekeepers. And yet Mrs. Burrows possessed well-defined ideas in regard to the position which the modern woman should occupy, being an ardent advocate of her higher education and loftiest development.

"These perpetual plaints of publicists about the old-fashioned woman," she once said, "are a source of vast amusement to those who study the needs of today. Now, this old-fashioned woman who is so much lamented,—what are her characteristics that she is held up to the eternal discredit of the modern

progressive woman? Possibly she is the housewife familiar to readers of Miss Mulock's charming stories, or to those who remember their grandmothers or female relatives of the *ante-bellum* days, or even before that turning point in the National character. Possibly they are the women who baked and mended and cooked and cleaned, knit their husbands' and fathers' socks, who made rag carpets, who carded and spun and patched and built and rebuilt every article of the family apparel. What man of today, who is above grinding want, wishes his womankind to drudge in those old ways? Where is the necessity of it? We talk about the industrial development of the country, and boast how new inventions have taken the place of the slavish work of former days. But to read some effusions, and to hear some public men talk, it would seem that women alone are to continue in the ancient way,—the only creatures shut off from modern progression.

“There is the old reproach about the club women and the consequent neglect of home duties. Nearly all those who make this charge have never taken the pains to examine into conditions before forming their opinions. It is the experience of those who have studied the question that women who belong to clubs are those with a serious end in view, and are the most punctilious in discharging their home obligations.

There is the case of Mrs. Mary A. Livermore, one of the most noted women lecturers and the eloquent advocate of woman suffrage. It was the reiterated charge of those who opposed her propaganda that she would better be employed at home attending to her obvious duties. Mrs. Livermore was one of the most thorough housekeepers in her community. She had mastered every detail of the science, and her bread and cake were of as fine quality as her speeches,—and that is high praise.

“I grant that some women make intemperate use of clubs and neglect their home duties. But this class of woman would fail in her obligations without clubs, social, patriotic, or philanthropic. That clever caricature of Dickens about Mrs. Jellyby and educating the natives of Borrioboola-Gha on the left bank of the Niger has, in my opinion, no application among the club women of America. There may be isolated exceptions, of course, but the great body of women who belong to clubs are working for home, and are generally accomplishing some commendable results. Take the one class of club, the patriotic, and see what women have done for this country, and what they see accomplished in the rising generation.

“In Michigan, and I have no doubt in every State of the Union, club life for women has been of inestimable value to the community as well as to the indi-

vidual. Outside of their home duties it furnishes the most important issue of their lives. Even the most rigid economists must admit that women need some diversion occasionally. Even the old-fashioned woman had her recreations, but they had not the far-reaching results of the modern woman's club. What the women of Michigan have accomplished through the patriotic societies, through civic leagues and social organizations, is perhaps the tale of what women in every section of the country have wrought. It would be a poor development if the women did not keep a-pace with the times, if they did not reach the mental status attained by the men, and if they could not take an intelligent interest in the strides of their country. It is because the women have recognized the changed conditions, and have equipped themselves to meet them, that such a glorious outlook spreads before us. I think that the term 'new woman' will soon cease to be uttered in derision or sarcasm. She has proved her mettle, and she is doing her work very effectively. When a man acquires a fortune, he educates his daughters in all the graces and accomplishments which money can attain. Uncle Sam is quite a prosperous family man among the nations, and it would surely be a reproach if he still expected his maids and matrons to perform the drudgery of scullery girls."

Mrs. Burrows assimilated her husband's knowledge

of the intricacies of parliamentary law, and presided over the meetings of the Daughters of the American Revolution, the Cuban League, and other humanitarian, patriotic, and charitable organizations with grace, dignity, and efficiency.

The following letter, called forth by the Russo-Japanese peace pact, is characteristic of her interest in current events:

To President Roosevelt

KALAMAZOO, MICH., SEPT. 1, 1905

DEAR MR. PRESIDENT:

Because I am a woman forsooth—need I keep silence—when I want to congratulate you—and all the world—on the glorious outcome of your heroic effort for Peace and Good Will?

You have performed the greatest service to mankind one could possibly render! And I'm sure every loyal American heart is proud of "Our President," and his unprecedented achievement, in the glory of which the whole Nation shares and rejoices.

Cordially and sincerely yours,

FRANCES P. BURROWS

To which, the President replied:

From President Roosevelt

OYSTER BAY, N. Y.,
September 4, 1905

MY DEAR MRS. BURROWS:

Indeed, not even the Senator himself would have pleased me so much by writing as you have done, and I thank you heartily.

Sincerely yours,

THEODORE ROOSEVELT

“There is no life of a man, faithfully recorded,” wrote Scott, “but is an heroic poem of its sort, rhymed or unrhymed.”¹ It was the privilege of Burrows not only to live his life during National epochs which were startlingly dramatic in their diversity, but also to play an integral part in the constructive evolution which established his country upon a basis of prosperity which has astonished the world.

The story of his life then, is no unrhymed heroic poem, for the cantos were composed by the Nation itself, and the rhymes by the man portrayed. The poem opens with the birth of the Republican Party, pledged to avert and repeal the gigantic wrong and shame of slavery; the fratricidal conflict of the Civil War contributed its lurid coloring. The climax of the first epoch is reached with Lee’s surrender, and

¹ London and Westminster Review, 1838.

the finale is tinged with tragedy in the assassination of Lincoln.

The second Canto continues logically with plans for the preservation and progress of the Union, the up-building of a strong government and a forceful people, the protection and education of the emancipated serfs, the development of a sound financial policy, and measures to protect American industries and to ensure commercial prosperity.

With the exposition clearly developed, and the poem itself accumulating power from the force of the marvelous story it is unfolding, the third Canto treats of the transition period between Civil War politics and Reconstruction on the one side, and the new issues of administration and government on the other; the new economic conditions of the Nation, the organization of labor as a political power, the progress of administrative reform in the Federal service, the changing economic conditions relating to Tariff, Silver, and Railroads, the new demands for an adequate foreign policy, and the conflicting phases of Currency, Labor, Tariff, and Commercial Organization, which culminated in the Free Coinage campaign of 1896.

As the poem progresses, in the fourth Canto, the measure becomes more involved, for the National problems differ widely and press even more strenu-

ously for solution: the struggle for a silver standard, the regulation of monopolies, the increasing strength and arrogance of organized labor, the aggressive demands for an extended foreign policy, and the purification of political appointments to office.

The fifth Canto takes us overseas, and tells us of the gift of liberty given by our Nation to its oppressed sister republic of Cuba, of unexpected but conscientiously-assumed responsibilities in the Philippines, of the new position taken by our country among the world powers. Here the stanzas are more heroic perhaps, but no more vital than those quieter lines which one by one describe the building of the structure upon which America was to rest its inevitable greatness.

The life of Senator Burrows ended before the final Canto could be written, for the climax of his work has not even yet been reached. The result of this world struggle into which America has now entered will readjust the positions previously held by all those nations who have taken their stand for and against humanity and democracy. The place America will occupy when that readjustment is finally made depends more upon what Burrows and his fellow-workers have done during this past half century than upon what we ourselves are doing today. The *timbre* of the American Epic; its fidelity in developing its estab-

lished *motif*; the increasing force of its theme, the sturdiness of its final appeal, will measure the right of our Nation to take its high position among those Powers which believe that Right must ever stand supreme.

CHAPTER IX

THE FALLING OF THE CURTAIN. 1911-1915

THROUGH Burrows, we have followed the life-history of the Republican Party from its birth to its present ignominious position of disintegration and demoralization. We have seen the high spirit of patriotism and championship of human rights which brought the Party into existence, and attracted to it the best of the country's youth with the zealously of Crusaders. We have passed through the Civil War, and followed the welding together of the severed portions of the Nation. We have passed judgment upon the Party during the Reconstruction Period, and have followed it during its establishment of unparalleled National prosperity, built upon the basis of Protection. We have rebelled at the sight of a Party drunk with power, yielding its high principles to the control of a few dominating leaders, who openly boasted, at the National Convention which nominated McKinley, which was the climax of their lust, that they "could have nominated and elected a rag doll." We have sympathized with the movement, outside the bulwarks of the "Old Guard," which made a val-

iant effort to restore the old ideals of the Republican Party, and thus regain its own self-respect. We have witnessed the temporary defeat of that movement, and are today face to face with the consequences of that defeat. So the disposition naturally comes to us to inquire as to the exact point where the previously overwhelming domination of the Party began to wane, why those within the Party, like Burrows, who still adhered to its high ideals were unable to prevent their prostitution, and where Burrows stood during the period of disintegration.

The Senatorial elections of 1904 and 1910, when compared, tell an illuminating story. In the first case, out of thirty Senators whose terms were to expire, only five gave place to other candidates, still of the same political Party; and those changes were due to such circumstances as completely to explain away the force of the exception: Vest of Missouri made way for Stone, also a Democrat, because the former's health was severely impaired; Mason, Republican, of Illinois, gave place to Hopkins, but Mason's estrangement from his Party had been such as to make inevitable the substitution of another man; Simon of Oregon was replaced by another Republican, but Simon's election had been an accident, resulting from conditions growing out of a prolonged deadlock; McLaurin of South Carolina was followed

by another Democrat for much the same reason that forced Mason to give way to Hopkins. Of the other twenty-six Senators, only one who was in good health and Party standing was squarely supplanted, and that was Jones of Arkansas. The other changes came about naturally through a change of Party control in the Legislature.

Such a series of victories for the Senators in office over all aspirants for their seats indicated that a Senatorship had become practically a life position. When it is considered that a single election is for six years, the contrast between such election results and those in the House, which has from a fourth to a third of its members new each term, becomes notable. Most of the members of the House have to struggle for renomination each two years, and perhaps again at the polls. There is little in the office of Representative which brings continuing strength to its occupant. With a Senator, the situation used to be different: he was a person of such extraordinary power over the political situation that it required an unusual combination of circumstances to dislodge him when once established. The election of Platt in New York in 1904, when by common consent no good reason existed for it, affords evidence of the case at point. The election of Penrose that same year in Pennsylvania, without a protest, is another interesting ex-

ample. Once in the Senate, for life in the Senate, seemed to have become the rule.

Six years later, however, we find a complete refutation of what has just been declared. To have been a Senator appeared to be an argument against continued approval at the polls rather than a claim to favorable consideration. During these years great changes had taken place in American politics. The Republican Party was as clearly split into two factions as the Democratic Party had ever been. There had developed conservative and radical Republicans, just as there were conservative and radical Democrats; and the conservatives of both Parties and the radicals of both Parties were closer to each other in their political beliefs than the conservatives and the radicals of either Party. La Follette and the Republicans of his type were closer to Bryan and Bryan Democrats than they were to Taft, Cannon, Fairbanks, Knox, Root, or the other representative leaders of their own Party. Never since the Civil War, with the possible exception of 1896, were conditions so ripe for a new political alignment. The situation clearly demonstrated that there are in fact but two dominant political factions in any nation, the radicals and the conservatives. By tradition and fundamental political doctrine the Democratic Party had seemed destined to remain our radical and the Republican our conservative Party,

but now conservative Democrats began to find their way into the Republican Party; and radical Republicans placed themselves in a militant Democratic Party. As a result of this tendency, in 1910 there were no less than thirty changes in the Senatorial representation of the States, although its political complexion was still called Republican.

Roosevelt became President in the Fall of 1901. The country immediately began to feel the exercise of Presidential power upon legislation in contrast to the Party influence which had previously dominated; the two Parties soon came to be judged by their leaders rather than by the principles they advocated. Roosevelt, regardless of Party interests, began to uncover those sore spots which others had endeavored to cover up, and in doing so found a popular response from the generation of voters which had been born and had attained their majority while Burrows had still been in Washington, too close to the center of things to obtain for himself the truest perspective. The Democratic Party offered no agreeable alternative to those who were disgusted by the flagrant abuses which the Republican Party leaders foisted upon the public, regardless of protests and indifferent to popular opprobrium. To the man who was fearless enough to show up his own Party, and who had the power to carry through such reforms as stand

accredited to Roosevelt, the people stood ready to give their enthusiastic allegiance.

It was because of this new attitude on the part of the voters that the Taft Administration proved such an anticlimax. The people were through with Party government, and in spite of the great judicial ability which Taft possessed, he failed to satisfy the great mass of the voters. When, therefore, the leaders of the Republican Party again defiantly exercised their power in dominating the National Convention which re-nominated Taft, and forced the Progressive Party into existence, the people registered their vigorous protest at the polls, with the result that the Grand Old Party carried but two States in the election of 1912.

But the Republican Party leaders had not even yet learned their lesson. The Convention of 1916 was again an expression of Party government, still defiant, but now less flagrantly so. The biographer, a lifelong Republican, eager to see a recognition of the trend of the times by the Party of his allegiance, sat through every session of this Convention, and left it with a profound conviction that the leaders were either blind or indifferent to the demands of the people. The old days of Party organization, based upon past accomplishments, have passed. The people are fully awake to the weaknesses and dangers which con-

front them in their daily National life, and their demand is that some individual in whom they have confidence, and whose strength is equal to his courage, shall lead them out of the wilderness; they prefer to place their faith in him rather than in the hands of the so-called "Old Guard," which has shown its usurpation of power for selfish ends. When Bryan referred to Roosevelt as a "political hybrid" he unintentionally paid him a singularly appropriate compliment. No one who has ever been a part of our National life so personifies our political transition, for while both a radical and a conservative, he is really neither. Holding no brief for or against him personally or politically, one can but admit that he created a new public conscience and taught men to think for themselves.

The decline, then, in the oligarchical power of the Republican Party began with the Roosevelt Administration, and its life-chárt has been steadily growing weaker down to the present moment. The Party had its chance to return to power, under better and cleaner auspices than at any time since its early days, when Roosevelt patriotically declined the Progressive nomination in 1916, and the Progressive Party yielded to the demand to join forces for a mutual victory. It was the intention of the Republican leaders so to unite, but as the campaign progressed they became

convinced that they could elect their candidate without the assistance of the Progressives, and thus keep the patronage of the Party entirely within their own hands. This was a final example of individual selfishness and stupidity, and the defeat which came as a just rebuke is one which can never be retrieved until the Republican Party is completely reorganized, and entirely freed from the domination of the "Old Guard." The purposes outlined in the clarion cry which heralded its birth have been attained; its present purposes are not sufficiently altruistic to attract new supporters. A new Party is demanded.

As this volume goes to press, we are facing new and unknown conditions. The voting public more than ever demand a leader rather than a Party; yet both Parties are singularly lacking in individual leaders. Owing to the division already noted among the Republicans, Mr. Wilson has succeeded in bringing his Party into a position of power beyond its wildest expectations, but in his leadership he stands alone. In fact, he has made it a principle to surround himself with men who could never develop strength which might threaten his preëminence, and in neither branch of Congress have the Democrats even a potential leader. The Republican Party is equally lacking in men who stand out as future leaders, unless one includes Roosevelt, who can still stir the imagination

as no other man of our time, and at the present time finds itself not only playing the unaccustomed *rôle* of opposition, but facing international conditions which demand of it that loyalty to those in power which can but strengthen the Democratic tenure. If history repeats itself, our present war will develop the leaders we so sorely lack, and out of the chaos which we face today may come the Moses who will lead us back to those ideals from which our past and present prosperity and National health have come. Present Party lines are likely to be eliminated, and the people may find a leadership which they can follow with confidence and enthusiasm.

The defeat of Burrows was thus simply a Party defeat, and an example of cause and effect. He was distinctly a representative of Party government, and his entire training for nearly forty years had been as a constructive part of the great machine. He believed that upon the existence of this machine, with all its faults, rested the prosperity of his country. His admiration for the Party had been born in the stirring days of 1856. They had been intensified by the still more exciting period of the Civil War, and became unalterably fixed during those years of the domination of the Republican Party which gave to this country the undoubted prosperity and marvelous development as a result of its protective policy.

“The Republican Party,” he once said, “has fought three great battles and has won three great victories. Its first battle was for free Territories: had it never been born, and no Party come into existence advocating the principle which it advocates to-day, this great Republic from ocean to ocean would be rocking under the awful contest between freedom and slavery. No sooner had this battle been fought and won than the Republican Party was called upon to fight another great battle,—a battle for National unity. Before the Republican Party came into its power on the 4th of March, 1861, the Union was destroyed; we gave back to the Democratic Party a Union. By the Constitution we declared that no State should deny to a citizen of the United States the full protection of those great amendments which were embodied in that instrument through the fidelity, the perseverance, the loyalty, the unflinching courage of the Republican Party, and in opposition to the wishes of the Democratic Party. No sooner had we adopted these constitutional amendments than we had another great battle to fight: the Democratic Party turned around on the question of the greenback. They said, ‘We cannot pay this debt.’ The Republican Party said, ‘We promised to pay it; we are bound to pay it.’ The mission of the Republican Party is not ended: until every law-abiding American citizen is permitted

to live in peace and security within the limits of every State; until a free and peaceful ballot is made secure throughout the Republic; until free speech and free press are everywhere established; until political ostracism is unknown; until it is conceded that we are a nation sovereign and supreme; until the public credit is placed beyond the possibility of jeopardy; until all the rights of American citizens, high or low, rich or poor, black or white, native or foreign-born, are everywhere recognized and established, resting in perfect security under the imperial ægis of the Constitution; until then, the mission of the Republican Party is not ended."

These were the bases upon which he rested his political faith in 1879, and the errors of act or judgment which were justly charged against the Party of his choice during the intervening years did not seem to him to destroy the structure by which he steadfastly stood. It was noticeable, during his later years, that he dwelt more upon the past history of the Party than upon its present, more upon its fundamentals than its details, which in itself is evidence that he was fully conscious of its weaknesses.

"The National Republican Party," Burrows said in one of his late utterances, and in it is a note of defense, "has always been and still is a Party of advanced thought and great courage. It has been a

public educator, it has never sought so much to reflect public sentiment as to create it. Whenever it has been called upon to consider and avow any Party or governmental policy, its chief concern has been not to ascertain what the public judgment might be touching such policy, but rather what the public judgment ought to be. In great crises it has moved out in advance of public sentiment, and taking its stand on the heights has fought its battles and won its victories. In this it has reached the best conception of Party organization, and has made way for the highest development of popular government. Had it been content simply to reflect public sentiment, right or wrong, it would have had fewer defeats, but it would have achieved no victories of human liberty and better government. A Party thus aggressive must from necessity meet with occasional defeat. But the National Republican Party, though sometimes overcome, has never yet lowered its standards or sounded a retreat. It camps on the fields of its disaster, and at the earliest opportunity renews the conflict."

With this admiration and respect so firmly woven into the fiber of his life, he could not see, as others saw, this moral disintegration of what had once been a great Party. He recognized defects, but steadfastly refused to acknowledge that the structure was in any way impaired. And being so integral a part

of the organization, albeit his efforts were directed always toward what he believed to be the public good, and not for selfish or personal advantage, yet he was looked upon as a member of a group which had failed to meet the present approval of the people.

Admitting as we must the decline of the Grand Old Party, recognizing that Burrows was distinctly of the old school, and the embodiment of its excellencies and defects, may we not place ourselves in his position and consider in retrospect the good of the older era in comparing it with what has come to replace it? He was conservative by nature, training, and environment. "Inflexible in spirit," some one once said of him, "Burrows never easily obtained the principles he had, but it is to be recorded of him that he first made sure of the worth of principles before he committed his steadfast courage to their advocacy. . . . It was no academic devotion to speculative theory that influenced him. He practiced the apostolic injunction that after proving all things he should hold fast to that which is good." He was prominently instrumental in much of the progress his Nation made during the long period of his public activity, and no other Nation in all history has ever made more progress in the same length of time than the United States marked while Burrows was in its government. The legislative history during three decades bore the im-

press of his influence and character. That he did not reform the Party to which he gave such loyal devotion is an obvious fact, but those who have read these pages have had ample opportunity to judge of his efforts to hold his associates to the ideals for which they were pledged to stand. Failing in this, he saw no more promising pathway in the direction of insurgency. A Socialist can point out defects but he is unable to suggest remedies. Burrows was no socialist. His belief in the value of the basic principles of Republicanism was never shattered by his disappointments, his loyalty to these principles never wavered. He was a "stand-patter" from conscientious motives, believing that he best served that country whose servant he was by protecting the political organization which gave to her such unparalleled prosperity.

Looking backwards, Burrows' period in the Senate was, from a public standpoint, an anticlimax to his career, the most spectacular point of which was undoubtedly reached during his last term in the House. The reasons for this are not difficult to find, with the man's life work spread out before us. First of all, the Senate offers less opportunity for effective oratory than the lower body, while at the same time it demands of a conscientious member a certain degree of self-effacement while engaged in committee work,—the

degree varying with the willingness of the individual to assume the full arduousness which his duty imposed. Burrows permitted himself to carry more than his share of the load whenever the necessity arose, and in the Senate this necessity appeared to exist throughout his entire membership. Back in the House, while at work on the McKinley Bill, McKinley said of Burrows, "For months, night and day, he gave it his almost undivided attention." "You always found Burrows nearest to the load," was the way Cannon put it. When a minority report on the Springer Bill was to be prepared, ex-Speaker Reed exclaimed, "Burrows is fully competent, and must do it all,"—and Burrows, knowing his own constructive ability, and subordinating, in the presence of men to whom he had given an exaggerated respect while in the House, his own powers as an individual leader, cheerfully squared his shoulders for each added load. "Burrows does not know his own strength," Foraker once said of him. A more accurate statement would be that he chose not fully to assert it. Then, as time went on, and he saw the "inner circle" assume the control of the Party he idolized, he failed to sympathize with the use they made of their control. He could not prevent this, but he could satisfy his self-respect by non-participation and by increased devotion to his duties as he saw them. He realized that

his influence was lessened by this lack of sympathy, and it was because of this realization that he would have voluntarily retired at the end of his third term had his friends permitted.

“He was a great Republican,” ex-Vice President Charles W. Fairbanks says of him, “and believed that through the instrumentality of his Party he could render the most efficient service to his country and countrymen. He was a firm believer in the cardinal principles of Republicanism, and stood by them in the House of Representatives and in the Senate of the United States with unflagging loyalty. He was a careful student of the various problems that taxed the attention of the Congress during his long service in it. He was one of the best informed men upon the great questions which pressed for consideration during the many years when he held the commission of his State among the lawmakers of the Republic.

“He was faithful in the discharge of his duties upon the various committees to which he was assigned. He never avoided the drudgery of the committee. Although much of what he did, in the nature of things, never received the credit which it deserved, he worked on with patience and resolution, because he had a conscience for the public service.

“Senator Burrows was a man of rare accuracy of judgment. There was nothing of the visionary and

impracticable in his composition. This made him a leader in whom his Party and the public could place implicit confidence. He was not given to the spectacular. He took more pride in being upon the sound and safe side of public questions than in being regarded as quick and brilliant.

“Senator Burrows drew friends about him by his candor and loyalty to them. He was of an engaging personality. He was never false to those who held his confidence. He well earned a permanent place among the foremost of the gifted sons of Michigan; and no history of the country he loved and served on the field of battle and in the halls of legislation would be complete without a record of his achievements.”

After the completion of his work as a member of the Senate, Burrows was still held in Washington by his responsibilities in relation to the National Monetary Commission, whose labors were yet unfinished. Their report was returned to the Committee on Finance on January 9, 1912, and with this final official act his long service to the United States came to an end. The following summer Mr. and Mrs. Burrows spent in Europe, and in the Fall he returned home to Kalamazoo, freed for the first time in forty years from the oppressing burdens of National legislation. For three years he rejoiced in the companionship of his books and in the love and respect of his

friends, modestly receiving the degree of Doctor of Laws from the University of Notre Dame,¹ and watching the trend of National events from a new standpoint. From time to time he discussed public questions with his former colleagues in person or by correspondence, but always as a spectator; he had no longing to return to active participation. A letter from Senator Gallinger, under date of December 10, 1913, was in hearty sympathy with the sentiments which Senator Burrows experienced during those years in private life:

From Senator Gallinger

MY DEAR SENATOR BURROWS:

I beg to thank you for your kind letter of the 7th, and particularly appreciate your congratulation on my stand against a nation-wide primary for the nomination and election of President. As you can imagine, I am getting a little lonesome these days, as there are very few Republicans who are not trimming their sails to catch the so-called Progressive breeze. For my part I prefer to be in the political doldrums rather than to sacrifice my convictions on public questions. You cannot possibly imagine the change that has come over the Senate since the days when we had men

¹ Senator Burrows was similarly honored by Kalamazoo College in 1903, and he was made Doctor of Civil Laws by Hillsdale College the same year.

of conviction and courage in this body, and the indications are that it will grow worse for some years to come. Of course the reaction will appear in due time. The indications now are that the mischief is already to pay in the industrial centers, and, believing what I do about the Democratic Tariff legislation, I expect to see our Party sweep the country at the next Presidential election. If that is accomplished, and our public men conclude that it is not necessary to cater to the whims of all kinds of political fakers, you and I in our old age will be able to look on and thank God for the change.

With best possible wishes for yourself and Mrs. Burrows, know me to be

Your friend as always,

J. H. GALLINGER

They were happy years, these last ones, save for his growing anxiety in regard to his wife's ill-health, which finally culminated in her death two months after his own. The strain on Mr. Burrows, now seventy-eight years old, was terrific, and to this was also added the shock of the death of his brother, Judge Jerome Bonaparte Burrows. The golden anniversary of his wedding was at hand, and he and Mrs. Burrows planned to spend the Winter in California, where the less rigorous climate would aid in her recovery, as he confidently believed. On the evening

of November 16, 1915, they talked over their final plans, and completed their arrangements. In apparently perfect health, he retired at ten o'clock. Just before midnight Mrs. Burrows was awakened by his heavy breathing. Hurrying to his bedside, she failed to arouse him, and before doctors could arrive his sleep had proved eternal.

It was the kind of death which robs the fact of all unhappiness except that loss of companionship which is always irreparable. It was the triumphant climax of a life rounded out into completeness by finished work. Senator Burrows never dreaded death. "The veil that divides the two worlds," he once said, "is exceedingly thin. We can almost hear the music on that other side." In a small letter receptacle, which Mr. Burrows always carried with him, was found these verses, clipped from some newspaper, and worn from frequent readings:

*The days grow shorter, the nights grow longer;
The headstones thicken along the way;
And life grows sadder, but love grows stronger
For those who walk with us day by day.*

*The tear comes quicker, the laugh comes slower;
The courage is lesser to do and dare;
And the tide of joy in the heart falls lower,
And seldom covers the reefs of care.*

*But all true things in the world seem truer,
And the better things of earth seem best;
And friends are dearer, as friends are fewer,
And love is all as our sun dips west.*

*Then let us clasp hands as we walk together,
And let us speak softly in low, sweet tone,
For no man knows on the morrow whether
We two pass on—or but one alone.*

He was buried in Mountain Home Cemetery, Kalamazoo, on November 19, 1915, the funeral services being conducted by the Rev. Henry W. Gelston. All business houses of the city were closed. His body lay in state, and hundreds took advantage of the opportunity to pay their last tribute. The guards of honor were Civil War veterans, old and tried friends who were proud to pay him this final mark of their affection.

In the funeral eulogy Doctor Gelston said, "Senator Burrows looked upon life from no provincial point of view. He did not measure life's emergencies, its ideas, its ambitions, by the little, short span through which he has now lived, closing this stage of his career. No littleness of intellect, of moral conception, pervaded his faith." While this is true of the man, it is equally true of his work. There can be no estimate of the one apart from the other,

for the work was the man. There can be no estimate beyond that which this record of seventy-eight full years has already made. Integrity, loyalty, consistency; these three words contain the characterization of the man as shown by his own portrait drawn stroke by stroke on the battle-field, in the heat of the campaign, in the defense of his Party principles, in the House of Representatives, in the Senate of the United States, and in the hearts of his friends. But beyond all, I would write his epitaph—

A LOVER OF HIS COUNTRY

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